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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र 28 नवम्बर 1969 तक प्रकाशित किये गये :—
 The undermentioned Gazettes of India Extraordinary were published up to the 28th November, 1969 :—

Issue No.	No. and Date	Issued by	Subject
391	S.O. 4782, dated 28th November, 1969.	Election Commission of India	Erratum to S.O. 4629, dated 13th November, 1969.
392	S.O. 4783, dated 28th November, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified in the Schedule therein.

ऊपर लिखे प्रसाधारण राजपत्रों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर)
 केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएँ ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDERS

New Delhi, the 14th November 1969

S.O. 4925.—Whereas the Election Commission is satisfied that Shri Chhittarmal Sharma, R/O Jugsalai, Jamshedpur (Singhbhum), Bihar, a contesting candidate for election to the Bihar Legislative Assembly from 282-Baharagora Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason of explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chhittarmal Sharma, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/282/69(49).]

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 14 नवम्बर, 1969

एस० ओ० 4925:—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 282-बहारागोड़ा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री छितरमल शर्मा निवासी जुगसलाई जमशेदपुर-6 (सिंहभूम) बिहार लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

अतः अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री छितरमल शर्मा को संसद के दोनों सदनों में से किसी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि०स०/282/69(49)]

New Delhi, the 19th November 1969

S.O. 4926.—Whereas the Election Commission is satisfied that Shri Imdad Mian, R/O Vid Mohalla, Ward No. 2, Chatra, District Hazaribagh (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 269-Chatra Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Imdad Mian, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/269/69(56).]

नई दिल्ली, 19 नवम्बर, 1969

एस० ओ० 4926:—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 269-चतरा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री इमदाध-मियां निवासी विड मोहल्ला, वार्ड नं० 2, चतरा, जिला हजारीबाग (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तब धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री इमदाध मियां को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि०स० /269/69(56)]

S.O. 4927.—Whereas the Election Commission is satisfied that Shri Nirmal Singh Munda, R/O village Bandgaon, Post Office Bandgaon, District Singhbhum (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 293-Chakradharpur Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Nirmal Singh Munda, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/293/69(57).]

एस० ओ० 4927:—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए 293-चक्रधरपुर निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री निर्मल सिंह मुन्डा निवासी ग्राम बन्दगांव, डा० बन्दगांव, जिला सिंहभूम (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री निमल सिंह मुन्डाको संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/293/69 (57)]

New Delhi, the 20th November 1969

S.O. 4928.—Whereas the Election Commission is satisfied that Shri Parash Nath Singh, R/O. village Murgaon, P.O. Khaira, District Patna a contesting candidate for election to the Bihar Legislative Assembly from Belaganj Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Parash Nath Singh, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/238/69(58).]

नई दिल्ली 20 नवम्बर, 1969

एस० ओ० 4928:—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 238-बेला गंज निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पारस नाथ सिंह निवासी ग्राम मुरगांव, पो० खैरा, जिला पटना, लोक प्रतिनिधित्व अधिनियम, 1951 तः सद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है

अतः अब, उक्त अधिनियम की धारा 10-क अनुसरण में निर्वाचन आयोग एतद्वारा उ० श्री पारसनाथ सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/238/69(58)]

New Delhi, the 21st November 1969

S.O. 4929.—Whereas the Election Commission is satisfied that Shri Hil. Dung-Dung, R/O. village Kasdega, P.O. Tethaitangar, Thana Tethaitangar, I trict Ranchi (Bihar), a contesting candidate for election to the Bihar Legislat Assembly from 304-Simdega Assembly Constituency, has failed to lodge an acco of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hilarius Dung-Dung to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/304/69(59).]

नई दिल्ली 21 नवम्बर, 1969.

एस० नो० 4929-यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 304 सिमडेगा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हिलारियूस डुंग डुंग निवासी ग्राम मौजा कसडेगा, डा० डेठईटांगर, जिला राँची (बिहार) लोक प्रतिनिधित्व अधिनियम 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हिलारियूस डुंग डुंग का संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निर्रोहित घोषित करता है ।

[सं० बिहार-वि० न०/304/69 (59).]

S.O. 4930.—Whereas the Election Commission is satisfied that Shri Digam Bhogta, R/O. village Pusango, P.O. Jonha, District Ranchi (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 299-Silli Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Digam Bhogta, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/299/69(60).]

एस० नो० 4930-यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 299-सिल्ली निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री दिगम भोगता निवासी ग्राम-पुसंगों, पो०-जोन्हा, जिला-राँची (बिहार) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री दिगम, भोषता को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित किया है।

[सं० बिहार-वि० सं०/299/69 (60).]

S.O. 4931.—Whereas the Election Commission is satisfied that Shri Guru Oraon, R/O. Hehal, P.O. Ratu, District Ranchi (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 300-Khijri Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Guru Oraon, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/300/69(61).]

एस० ओ० 4931 :—यतः, निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 300- खिचरी निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गुडू उराव निवासी हेहल, पोस्ट—रात, जिला राँची (बिहार) लोक प्रतिनिधित्व, 1951 तक तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए पर्याप्त कारण या व्याख्यान नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गुडू उराव को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि० सं०/300/69 (61).]

S.O. 4932.—Whereas the Election Commission is satisfied that Shri Gabriel Kujur, R/O. village and P.O. Getalsud, Ranchi (Bihar) a contesting candidate for election to the Bihar Legislative Assembly from 300-Khijri Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Gabriel Kujur to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/300/69(62).]

एस० ओ० 4932.—यतः निर्वाचन आयोग का समाधान हो गया है कि बिहार विधान सभा के लिए निर्वाचन के लिए 300—खिजरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री गन्धिलकूजुर निवासी ग्राम एवं पो०—गेतलसूद, रांची (बिहार) लोक प्रतिनिधित्व, अधिनियम 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री गन्धिलकूजुर को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/300/69 (62).]

New Delhi, the 1st December 1969

S.O. 4933.—Whereas the Election Commission is satisfied that Shri Bhagwan Das S/o Shri Paras Ram, R/O village Sunpur Aidalpur, District Aligarh, Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 374-Gangiri Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhagwan Das, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order

[No. UP-LA/374/69(4).]

नई दिल्ली, 1 दिसम्बर 1969

एस० ओ० 4933.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाजित के लिए 374—गंगीरी सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले एक उम्मीदवार श्री भगवान दास सुपुत्र श्री परस राम, गांव सुनपुर एदलपुर, जिला अलीगढ़, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब उक्त अधिनियम की धारा 10—क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भगवान दास को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद के सदस्य चुने जाने और होने के लिए इस आदेश तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है :

[सं० उ० प्र०-वि० सं०/374/69(4).]

S.O. 4934.—Whereas the Election Commission is satisfied that Shri Vijendra Pal Singh Upadhiya S/o Shri Charan Lal, R/O village Bhilawali, Post Office Hasona, Jagmohanpur, District Aligarh, Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 374-Gangri Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Vijendra Pal Singh Upadhiya, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/374/69(5).]

By order,

A. N. SEN, Secy.

एस० ओ० 4934.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 374-गंगीरी सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले एक उम्मीदवार श्री विजेन्द्र सिंह उपाध्याय सुपुत्र श्री चरन लाल, गांव मिलावली, डा० हसीना जगमोहनपुर, जिला अलीगढ़, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा यथा अपेक्षित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है।

अतः, अब उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री विजेन्द्र सिंह उपाध्याय को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं उ० प्र० वि० सं०/374/69(5).]

आदेश से,

ए० एन० सेन, सचिव ।

ORDERS

New Delhi, the 1st December 1969

S.O. 4935.—Whereas the Election Commission is satisfied that Shri Mohammad Beary, Merchant, Post Ujire, District South Kanara, Mysore State, a contesting candidate for the bye-election to the Mysore Legislative Assembly from 133-Belthangady constituency, held in 1968 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after due notice has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Mohammad Beary to be disqualified for being chosen as, and for being, a member of either House of Parliament or

of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MY-LA/133/68-Bye.]

आदेश

नई दिल्ली, 1 दिसम्बर 1969

एस० प्रो० 4935—अतः निर्वाचन आयोग का समाधान हो गया है कि 1968 में हुए मैसूर वधान सभा के लिए उप निर्वाचन के लिए 133—बैरथाण्डी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री मुहम्मद बियरी मर्चेन्ट डाकघर उजिरे जिला दक्षिण कनारा मैसूर राज्य लोक प्रतिनिधित्व अधिनियम 1957 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और, अतः, उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री मुहम्मद बियरी को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष के की कालावधि के लिए निरहित घोषित करता है ।

[सं मै०-तिस०/133/68-उप]

S.O. 4936.—Whereas the Election Commission is satisfied that Hakim Syed Mehdi, Village Achahgam, District Srinagar, a contesting candidate for the bye-election held in August, 1968, to the Jammu and Kashmir Legislative Assembly from the Badgam constituency, has failed to lodge an account of his election expenses within the time and in the manner required by the Jammu and Kashmir Representation of the People Act, 1957, and the Rules made thereunder;

And whereas the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 24E of the said Act, the Election Commission hereby declares the said Hakim Syed Mehdi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. J&K-LA/25/68(Bye).]

By order,

K. S. RAJAGOPALAN, Secy.

एस० प्रो० 4936—यतः निर्वाचन आयोग का समाधान हो गया है कि अगस्त, 1968, में हुए जम्मू-काश्मीर विधान सभा के लिए उप निर्वाचन के लिए बड़गम निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार हकीम सैयद मेंहदी, ग्राम अचाहगम, जिला श्रीनगर, जम्मू-काश्मीर लोक प्रतिनिधित्व अधिनियम, 1957 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार उसे सम्यक सूचना दिए जाने पर भी लेखा दाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया

है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, अधिनियम की धारा 24-ड के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त हकीम सैयद मेहदी को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० ज० क०-वि० सं०/25/68/(सप)]

आदेश से,

के० एस० राजगोपालन, सचिव ।

MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 2nd December 1969

S.C. 4937.—Statement of the Affairs of the Reserve Bank of India, as on the 28th November, 1969

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	55,50,05,000
		Rupee Coin	8,07,000
Reserve Fund	150,00,00,000	Small Coin	6,62,000
National Agricultural Credit (Long Term Operations) Fund . . .	155,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	167,66,95,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	183,05,48,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Investments**	86,80,51,000
		Loans and Advances to: —	
		(i) Central Government . . . . .	..
		(ii) State Governments@	127,79,90,000
Deposits—		Loans and Advances to: —	
(a) Government—		(i) Scheduled Commercial Banks†	18,98,60,000
		(ii) State Co-operative Banks††	274,46,49,000
(f) Central Government	56,87,41,000	(iii) Others	2,17,43,000

LIABILITIES	Rs.	ASSETS	Rs.
		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(i) State Governments	7,72,56,000	(a) Loans and Advances to—	
		(i) State Governments	31,32,42,000
		(ii) State Co-operative Banks	16,05,97,000
		(iii) Central Land Mortgage Banks	..
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	9,74,61,000
(i) Scheduled Commercial Banks	173,07,42,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	6,85,25,000	Loans and Advances to State Co-operative Banks	6,56,31,000
(iii) Non-Scheduled State Co-operative Banks	58,34,000		
(iv) Other Banks	25,37,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	242,46,84,000	(a) Loans and Advances to the Development Bank	6,26,71,000
Bills payable	47,85,65,000	(b) Investment in bonds/debentures issued by the Development Bank	..
Other Liabilities	66,71,52,000	Other Assets	35,84,24,000
Rupees	1022,40,36,000	Rupees	1022,40,36,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

② Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 5,13,70,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 3rd day of December 1969.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 28th day of November, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	55,50,05,000		Gold Coin and Bullion :—		
Notes in Circulation	<u>3522,86,69,000</u>		(a) Held in India	182,53,11,000	
Total Notes issued		3578,36,74,000	(b) Held outside India	..	
			Foreign Securities	<u>266,42,00,000</u>	
			TOTAL		448,95,11,000
			Rupee Coin		72,18,46,000
			Government of India Rupee Securities		3057,23,17,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		<u>3578,36,74,000</u>	TOTAL ASSETS		<u>3578,36,74,000</u>

dated the 3rd day of December, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]

New Delhi, the 5th December 1969

S.O. 4938.—In exercise of the powers conferred by Section 50 of the Reserve Bank of India Act, 1934 (2 of 1934) the Central Government hereby appoints the following firms as Auditors of the Reserve Bank of India for the year 1969-70, namely:—

- (1) Messrs A. F. Ferguson and Company, Allahabad Bank Building, Appollo Street, Bombay-1.
- (2) Messrs Brahmayya and Company, 337, Thambu Chetty Street, Madras-1.
- (3) Messrs Ray and Ray, 6, Church Lane, Calcutta.

[No. F. 3(50)-BC/69.]

New Delhi, the 10th December 1968

S.O. 4939.—Statement of the Affairs of the Reserve Bank of India, as on the 5th December, 1969

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	25,60,38,000
		Rupee Coin	3,82,000
Reserve Fund	150,00,00,000	Small Coin	6,46,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	70,22,39,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	174,18,77,000
		Investments**	212,38,83,000
		Loans and Advances to :—	
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	(i) Central Government . . . . .	..
		(ii) State Governments@	126,28,99,000

LIABILITIES	Rs.	ASSETS	Rs.
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	26,51,08,000
(i) Central Government	50,89,56,000	(ii) State Co-operative Banks††	276,97,35,000
(ii) State Governments	10,08,10,000	(iii) Others	3,01,93,000
(b) Banks		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund :—	
(i) Scheduled Commercial Banks	175,64,77,000	(a) Loans and Advances to :—	
(ii) Scheduled State Co-operative Banks	6,99,11,000	(i) State Governments	31,27,28,000
(iii) Non-Scheduled State Co-operative Banks	58,24,000	(ii) State Co-operative Banks	16,01,95,000
(iv) Other Banks	21,00,000	(iii) Central Land Mortgage Banks . . . . .	..
(c) Others	258,30,47,000	(b) Investment in Central Land Mortgage Bank Debentures	9,74,61,000
Bills Payable	34,91,29,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund :—	
Other Liabilities	63,36,93,000	Loans and Advances to State Co-operative Banks	6,56,72,000
		Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund :—	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
		Other Assets	35,82,20,000
	Rupees		Rupees
	1020,99,47,000		1020,99,47,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 7,33,70,000 advanced to scheduled commercial banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 5th day of December, 1969

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	25,60,38,000		Gold Coin and Bullion:—		
Notes in circulation	3599,16,34,000		(a) Held in India	182,53,11,000	
Total Notes issued		3624,76,72,000	(b) Held outside India . . . .	..
			Foreign Securities	266,42,00,000	
			TOTAL		448,95,11,000
			Rupee Coin		68,57,82,000
			Government of India Rupee Securities		3107,23,79,000
			Internal Bills of Exchange and other . . . .		..
			Commercial paper		
Total Liabilities		3624,76,72,000	Total Assets		3624,76,72,000

Dated the 10th day of December, 1969.

L. K. JHA,
Governor.

[No. F. 3(3)-BC/69.]
K. YESURATNAM, Under Secy.

(Department of Revenue and Insurance)

INCOME-TAX ESTABLISHMENT

New Delhi, the 21st October 1969

S.O. 4949.—In pursuance of clause (b) of sub rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint the undermentioned officers as Junior Authorised Representatives, Income-tax Appellate Tribunal with effect from the date noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal :—

S. No.	Name of the Officer	Appointed as	Date of Appointment
1.	Sh. A. K. Nasta, Income Tax Officer, Class I, Bombay City charge.	Junior Authorised Representative, Income Appellate Tribunal, Bombay.	19-5-1969
2.	Sh. R. L. Butani, Income Tax Officer, Class I, Bombay City charge.	Do.	23-6-69 (A.N.)
3.	Sh. G. H.R. Lodha, Income Tax Officer, Class I, Madhya Pradesh charge.	Junior Authorised Representative, Income-tax Appellate Tribunal, Indore.	3-9-69

[No. 370/P. No. 57/20/69-Ad. VI.]
M. G. THOMAS Under Secy.

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

आयकर संस्थापन

नई दिल्ली 21 अक्टूबर, 1969

सं० 4949.—अपील अधिकरण नियम, 1946 के नियम 2 के उपनियम (ii) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार अपने प्रसाद पर नीचे लिखे आफिसरों को आयकर अपील अधिकरण कनिष्ठ प्राधिकृत प्रतिनिधियों के रूप में उनके सामने लिखित तारीख से किसी आयकर अधिकारी के लिए जो आयकर अपील अधिकरण के समक्ष किसी कार्यवाही का पक्षकार है उपस्थित होने, अभिवचन करने और कार्य करने के लिए, नियुक्त करती है :—

आफिसर का नाम	के रूप में नियुक्त	नियुक्ति की तिथि
1 श्री ए० के० नास्ता, आयकर आफिसर, श्रेणी 1, मुम्बई शहर चार्ज (भार-साधन)	कनिष्ठ प्राधिकृत प्रतिनिधि, आयकर अपील अधि-करण, मुम्बई।	19-5-1969
श्री भार० एल० भुटानी, आयकर आफि-सर, श्रेणी 1, मुम्बई शहर चार्ज (भारसाधन)	तदेव	23-6-1969 (अपराह्न)
श्री एच० भार० लोधा, आयकर आफि-सर, श्रेणी 1 मध्य प्रदेश चार्ज (भारसाधन)	कनिष्ठ प्राधिकृत प्रतिनिधि, आयकर अपील अधि-करण, इन्दौर	3-9-1969

[सं० 370/फासं० 57/20/69-एडी० 6]

इस० जी० टावर्स, प्रवर सचिव।

(Department of Revenue and Insurance)

CUSTOMS

New Delhi, the 20th December 1969

S.O. 4941.—In exercise of the powers conferred by section 6 of the Customs Act, 1962 (52 of 1962), the Central Government hereby entrusts to the officers of the Border Security Force, posted in the States of Jammu and Kashmir, Punjab, Rajasthan, Gujarat, West Bengal and Assam and the Union territory of Tripura, mentioned in column 2 of the Table below, the functions of an officer of customs specified in the corresponding entry in column 3 of the said Table and directs that each such officer of the Border Security Force shall exercise the functions of an officer of customs within the local limits of his jurisdiction.

Sl. No. Designation of officers.	Functions under the provisions of the Customs Act, 1962.
1 All Commandants, Deputy Commandants and Assistant Commandants.	Functions under section 100 to 104 (both inclusive), 106, 107, 109, and 110 and also under sections 105 and 108 in places where no officer of customs of the rank of Superintendent of Customs and Central Excise or above is stationed.
2 All Subedar Majors, Subedars and Sub-Inspectors.	Functions under sections 100 to 104 (both inclusive), 106, 107, 109 and 110.
3 All Head Constables and Naiks	Functions under sections 100, 102, 106 and 110.

[No. F. 7/175/66-LCII.]

P. K. KAPOOR, Under Secy.

(राजस्व और सीमा विभाग)

सीमा शुल्क

नई दिल्ली, 20 दिसम्बर 1969

क्र.सं. 4941:—सीमा शुल्क अधिनियम, 1962 (1962 का 52) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार जम्मू और कश्मीर, पंजाब, राजस्थान, गुजरात, पश्चिमी बंगाल और असम राज्य तथा त्रिपुरा संघ राज्य क्षेत्र में तैनात सीमा सुरक्षा बल के अधिकारियों को, जो नीचे की सारणी के स्तम्भ 2 में वर्णित हैं, सीमा-शुल्क के अधिकारी के वे कृत्य एतद्वारा सौंपती है जो उक्त सारणी के स्तम्भ 3 की तत्स्थानीय प्रविष्टि में विनिर्दिष्ट हैं और निदेश देती है कि सीमा सुरक्षा बल का हर ऐसा अधिकारी अपनी अधिकारिता की स्थानीय सीमाओं की भीतर, सीमाशुल्क अधिकारी के कृत्यों का प्रयोग करेगा।

सारणी

क्र० संख्या	अधिकारियों के पदनाम	सीमाशुल्क अधिनियम, 1962 के उपबन्धों के अधीन कृत्य
1	2	3
1	सभी कमांडेंट, उप-कमांडेंट और सहायक कमांडेंट ।	धारा 100 से लेकर 104 तक (जिसके अन्तर्गत ये दोनों भी सम्मिलित हैं), 106, 107, 109 और 110 के अधीन तथा उन स्थानों में जहाँ सीमाशुल्क और केन्द्रीय उत्पाद शुल्क के अधीक्षक या उससे उपर के रैंक का सीमाशुल्क का कोई अधिकारी तैनात नहीं किया है, धारा 105 और 108 के अधीन कृत्य भी ।
2	सभी सूबेदार मेजर, सुबेदार और उप-निरीक्षक	धारा 100 से लेकर 104 तक (जिसके अन्तर्गत ये दोनों भी सम्मिलित हैं), 106, 107, 109, और 110 के अधीन कृत्य ।
3	सभी हंड कान्स्टबल और नायक ।	धाराओं 100, 102, 106, और 110 के अधीन कृत्य ।

[सं. फा० 7/175/66 एल सी० II]

पी० के० कपूर, अव्वर सचिव

CENTRAL BOARD OF DIRECT TAXES

ESTATE DUTY

New Delhi, the 26th November 1969

S.O. 4942.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in pursuance of notification No. 3/F. No. 21/135/68-E.D. dated 6th January, 1969 published as S.O. 300 in Part II, Section 3, sub-section (ii) of the Gazette of India dated 25th January, 1969 the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Lucknow shall perform his functions as Assistant Controller in said circle to the exclusion of all other Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax circle, the headquarters of which lies within the revenue districts of Lucknow, Sitapur, Bareilly, Rampur, Moradabad, Bijnor, Nainital, Almora, Shahjahanpur, Gonda, Hardoi, Lakhimpur-kheri and Bulandshahr of the Uttar Pradesh State.

This notification shall be deemed to have come into force on 1st August, 1969.

Explanatory Note

[This does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to the shifting of the Headquarters of Income-tax Office, Almora from Nainital.

[No. 31/F. No. 21/135/68-E.D.]

S.O. 4943.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of notification No. 31/F. No. 21/135/68-E.D. dated the 26th November, 1969 published in Part II, Section 3, sub-section (ii) of the Gazette of India, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Lucknow shall perform his functions as Assistant Controller in said circle to the exclusion of all other Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax circle, the headquarters of which lies within the revenue districts of Lucknow, Sitapur, Bareilly, Pilibhit, Rampur, Moradabad, Bijnor, Nainital, Almora, Shahjahanpur, Gonda, Hardoi, Lakhimpur-kheri and Bulandshahr of the Uttar Pradesh State.

This notification shall be deemed to have come into force on 4th August, 1969.

Explanatory Note

[This does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to the shifting of the Headquarter of Income-tax Office, Pilibhit from Bareilly.

[No. 32/F. No. 21/135/68-E.D.]

S.O. 4944.—In exercise of the powers conferred by the second proviso to sub-section (2) of section 4 of the Estate Duty Act, 1953 (34 of 1953), and in supersession of notification No. 32/F. No. 21/135/68-E.D. dated the 26th November, 1969 published in Part II, Section 3, sub-section (ii) of the Gazette of India, the Central Board of Direct Taxes hereby directs that every Income-tax Officer appointed to be an Assistant Controller and posted to the Estate Duty cum Income-tax Circle, Lucknow shall perform his functions as Assistant Controller in said circle to the exclusion of all other Controllers in respect of the estates of all deceased persons who, immediately before their death, were being or would have been assessed to Income-tax, had they derived any taxable income in any Income-tax circle, the headquarters of which lies within the revenue districts of Lucknow, Sitapur, Bareilly, Pilibhit, Rampur, Moradabad, Budaun, Bijnor, Nainital, Almora, Shahjahanpur, Gonda, Hardoi Lakhimpur-kheri and Bulandshahr of the Uttar Pradesh State.

This notification shall be deemed to have come into force on 17th September, 1969.

Explanatory Note

[This does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to the shifting of the Headquarter of Income-tax Officer, Budaun from Bareilly.

[No. 33/F. No. 21/135/68-E.D.]

A. R. RAO, Under Secy.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE, HYDERABAD

CENTRAL EXCISES

Hyderabad, the 23rd September 1969

S.O. 4945.—In exercise of the powers conferred on me under Section 2(a) of the Produce Cess Act, 1966 I hereby authorise the Officer of Central Excise, Hyderabad specified in Col. 3 of the table below to function as "Collector" in their respective jurisdiction for the purposes of the Section of the above said Act mentioned against them at Col. 2.

TABLE

S. No.	Section under Produce Cess Act, 1966	Rank of Officers.
(1)	(2)	(3)
1	7	All Officers not below the rank of Inspector of Central Excise.
2	8(1)	All Officers not below the rank of Inspector of Central Excise.
3	9(1)	All Officers not below the rank of Inspector of Central Excise.
4	9 (2) and proviso under Sec. 9(2).	All Officers not below the rank of Superintendent of Central Excise.
5	11 (1) & (2)	Central Excise Officers in charge of the Minor Ports under the Control of Collector of Central Excise, Hyderabad.
6	12 (a), (b) & (c)	All Officers not below the rank of Assistant Collector of Central Excise.
7	13 (1) & (2)	All Officers not below the rank of Inspector.

[No. 8/69.]

M. L. ROUTH, Collector.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS
(Department of Mines and Metals)

New Delhi, the 4th December 1969

S.O. 4946.—In exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and of all other powers enabling it in this behalf, the Central Government hereby rescinds the notification of the Government of India in the then Ministry of Steel and Mines (Department of Mines and Metals) No. S.O. 2943 dated the 14th September, 1965 published at pages 3176 to 3177 in Part II section 3 sub-section (ii) of the Gazette of India dated the 25th September, 1965.

[No. C2-12(5)/69.]

K. SUBRAHMANYAN, Under Secy.

(Department of Petroleum)

New Delhi, the 6th December 1969

S.O. 4947.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals S.O. No. 4010 dated 28th October, 1968 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification,

Now, whereas, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right

of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

SCHEDULE

State : GUJARAT

Dist. : MEHSANA

Taluka : KALOL

(Laying pipeline from G.G.S. V to Gas Flare Point)

Village	S. No.	Hectare	Are.	P. Arc.
Isard	682	0	9	31
"	683	0	1	81

[No. 20(3)/67-IOC/Lab. & Legis.]

M. V. S. PRASADA RAU, Under Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 2nd December 1969

S.O. 4948.—In exercise of the powers conferred by Sub Section (3) of Section read with Section 37 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby authorise the Government of Maharashtra to make rules for prescribing or authorising Veterinary Officer for the purpose of Section 34, 35(2) and 35(3) of the said Act.

[No. 34-4/69-L.D.III.]

SANTOKH SINGH, Under Secy.

(Department of Agriculture)

New Delhi, the 4th December 1969

S.O. 4949.—In exercise of the powers conferred by clause (f) of section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) and clauses (i) and (k) of rule 4 of the General Grading and Marking Rules, 1937, the Central Government hereby fixes, with effect from the date of publication of this notification, the charges for Agmark labels to be affixed on the containers of the Poppy seeds (*Papaver Somniferum*) graded under Agmark, at 5 paise per quintal.

[No. F. 13-23/69-LA.]

B. R. KAPOOR, Under Secy.

(कृषि विभाग)

नई दिल्ली, 4 दिसम्बर 1969

का० प्रा० 4949 :—कृषि उत्पाद (श्रेणीकरण और चिन्ह) अधिनियम 1937 (1937 का 1) की धारा 3 के खण्ड (ब) तथा साधारण श्रेणीकरण और चिन्ह नियम 1937 के खण्ड (अ) और (द) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ऐगमार्क के अधीन श्रेणीकृत कपास उत्पादों के समीक्षा के माहामों पर चिपकाए जाने वाले ऐगमार्क लेबलों के लिए इस अधि कृषि के प्रकाशन की तारीख से 5 पैसे प्रति किंटल प्रभार एतद्वारा नियत करता है।

[फा० सं० 13-23/69-ल० ए०]

ब० र० कपूर, प्रवर सचिव।

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 8th December 1969

S. O. 4950.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Indian Council of Agricultural Research (Class I and II Gazetted posts) Recruitment Rules, 1964, namely :—

1. (i) These rules may be called the Indian Council of Agricultural Research (Class I and II Gazetted posts) Recruitment (Amendment) Rules, 1969.
- (ii) They shall come into force on the date of their publication in the Official Gazette.
2. In the Indian Council of Agricultural Research (Class I and II Gazetted posts) Recruitment Rules, 1964 in the Schedule, for item 1 and the entries relating thereto, the following item and entries shall be substituted, namely :—

Name of the Post	No. of Posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post
1	2	3	4	5
Secretary	One	General Central Service, Class I Gazetted	Rs. 2500—125/2—2650	Not applicable.

Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of Promotees	Period of probation, if any
6	7	8	9
Not applicable	Not applicable	Not applicable	Not applicable.

Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer and percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion, deputation/transfer, grades from which promotion/deputation/transfer to be made.
10	11
By transfer on deputation.	By transfer on deputation. Officers of the I.A.S. and Central Service Class I eligible for appointment as Joint Secretary to the Government of India. (Period of deputation—ordinarily not exceeding five years).

If a D.P.C. exists, what is its composition.	Circumstances in which U.P.S.C. is to be consulted in making recruitment.
12	13
Not applicable.	As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

[No. 14-1/69. Estt. I.]

J. S. UPPAL, Under secy.

(Department of Cooperation)

New Delhi, the 8th December 1969

S.O. 4951.—In exercise of the powers conferred by Sub Section (1) of Section 4 of the Multi-Unit Cooperative Societies Act, 1942 (6 of 1942) and in supersession of the notification of the Govt. of India, in the Ministry of Food, Agriculture, C.D. & Cooperation (Department of Cooperation) No. F. 7-27/66-Credit the 4th October, 1969, the Central Govt. hereby appoint Shri K. S. Chandrasekharan, Commissioner (Coopn.) Ministry of Food, Agriculture, C.D. & Cooperation (Department of Co-operation) as the Central Registrar of Cooperative Societies.

[No. 7-27/66-Credit.]

S. SATYABHAMA, Dy. Secy.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

RUBBER CONTROL

New Delhi, the 14th October 1969

S.O. 4952.—In exercise of the powers conferred by clause (d) of sub-section (3) of section 4 of the Rubber Act, 1947 (24 of 1947), the Central Government hereby notifies the nomination of Shri G. Gopinadhan Nair, M. P., President, Kerala State Committee, Office of the Kerala Provincial United Trades Union Congress, Cantonment, Quilon, Kerala, as member of the Rubber Board, Kottayam, Kerala, with effect from the 14th October, 1969 and upto the 21st February, 1971, to represent labour interests.

[No. F. 15(3)Plant(B)/67.]

M. L. GUPTA, Under Secy.

(Office of the Joint Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 26th November 1969

S.O. 4953.—Duplicate licence No. 2465376 (Custom Copy) and 2465377 (Exchange Control Copy) were issued to M/s. Swaran Trading Company, 40/9, Shakti Nagar, Delhi-7, in lieu of original licence No. P./S./1611942 dated the 14th August, 1968 on furnishing an affidavit duly sworn in before a 1st Class Magistrate to the effect that they had lost the original licence No. P/SS/1611942 and that they would return the same if and when found later. They also obtained a letter of authority against the said licence No. P./S./ 1611942 dated the 14th August, 1968 for Rs. 16293 in favour of M/s. I. S. Corporation, Calcutta on 29th April 1969 from the Jt. Chief Controller of Imports and Exports, Calcutta which shows that the said licence was not lost by them but was in their possession.

2. Thereafter, a show cause notice No. S-27/69/ENF/CLA/6373 dated the 14th October, 1969 was issued to them stating therein that the undersigned had reasons to believe that they had obtained the aforesaid duplicate licence (Custom Copy) and (Exchange Control Copy) on mis-representation of facts.

3. The aforesaid show cause notice has been received back as undelivered from the Postal authority with their remarks "Left the place 2 years back".

4. The undersigned has carefully examined the whole matter and has come to the conclusion that they obtained the aforesaid duplicate licences on mis-representation of facts.

5. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the duplicate licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the

powers vested in him under Clause 9 sub-clause (a) of the Imports (Control) Order, 1955, as amended hereby cancel the duplicate licences Nos. 2465376 (Custom Copy) and 2465377 (Exchange Control Copy) issued in favour of M/s. Swaram Trading Company, 40/9, Shakti Nagar, Delhi-7.

[No. S-27/69/ENF/CLA/8/28.]

S.O. 4954.—Licence Nos. (1) PS/1612264 dated 26th October 1968 for Rs. 4376/- for Powdered Milk in Packing Parchment Paper; (2) P/S/1612265 dated 26th October, 1968 for Rs. 8752/- for Powdered Milk in Packing Parchment Paper were issued to M/s. Continental Manufacturers, 20th Mile G. T. Road, Rai, Tehsil Sonapat, District Rohtak subject to the condition that all items of goods imported under them would be used only in the licence holder's factory at the address shown in the application against which the licences are issued and no portion thereof would be sold to any other party or utilized or permitted to be used in any other manner. The licensee shall maintain a proper account of consumption and utilisation of the goods imported against the licences.

2. Thereafter a show cause notice No. C-15/69/ENF/CLA/7116 dated the 31st October, 1969 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that the Central Government is satisfied that the licences will not serve the purpose for which these have been granted in terms of Clause 9, sub-clause (cc) of Import (Control) Order, 1955 as amended.

3. The aforesaid show cause notice has been received back undelivered from the Postal authorities with the remarks "No such factory at the given address". This shows that the firm is not in existence.

Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 as amended hereby cancel the licences Nos. P/S/1612264 and P/S/1612265 both dated the 26th October, 1968 issued in favour of M/s. Continental Manufacturers, 20th Mile G. T. Road, Rai, Tehsil Sonapat, District Rohtak.

[No. C-15/69/EIF/CLA/8063.]

RAM MURTI SHARMA,

Jt. Chief Controller of Imports and Exports.

MINISTRY OF FOREIGN TRADE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 4th December 1969

S.O. 4955.—Shri Munsha Singh Balch, V.P.O. Balch District Hoshiarpur was granted a Customs Clearance Permit No. P/J/2366462/N/MN/31/H/29-3 dated 5th May, 1969 for Rs. 19,500/- for import of one Byelarus 50 H. P. Tractor (Without batteries). He has applied for duplicate copy of the Customs Clearance Permit on the ground that the original Customs Clearance Permit has been lost. It is further stated that the Original Customs Clearance Permit was not registered with any Customs House and not utilised. In support of this contention, he has filed an affidavit. I am satisfied that the original Customs Clearance Permit No. P/J/2366462 dated 5th May, 1969 has been lost and direct that a duplicate Customs Clearance Permit should be issued to the applicant. The Original Customs Clearance Permit is cancelled.

[No. 74-V/M-7/AM70/Adhoc/1450.]

J. SHANKER,

Dy. Chief Controller of Imports and Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 6th December 1969

S.O. 4956.—M/s. Alfred Herbert (India) Private Limited, 13/3, Strand Road, Calcutta was granted an import licence No. G/O/2197165/C/XX/31/H/28, dated

26th May, 1969 for Rs. 4,816/-. The licensee has applied for a duplicate copy of the licence (both customs and exchange copy) on the ground that the original licence has been lost. It is further stated that the original licence was not utilised at all. In support of this the applicant has filed an affidavit. I am satisfied that the original licence No. G/O/2107165/C/XX/31/H/28, dated the 26th May, 1969 has been lost and a duplicate licence should be issued to the applicant.

In exercise of the powers conferred on me by clause 9 (cc) of the Import Trade (Control) Order No. 17/55, dated the 7th December, 1955, as amended from time to time, the undersigned cancels the import licence mentioned above for Rs. 4,816/- for the import of spares for 'Noble and Lund' Plano Miller under S. No. 1/VI of the I. T. C. Schedule issued in favour of M/s. Alfred Herbert (India) Private Limited, Calcutta. The duplicate licence is being issued separately.

[No. F. 1-A/DEF/CONT/69-70/GLS./480.]

H. R. MOHSINI,

Deputy Chief Controller of Imports and Exports.

MINISTRY OF SUPPLY

New Delhi, the 5th December 1969

S.O. 4957.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following rules further to amend the Directorate General of Supplies and Disposals (Allotment of Government residences for employees of the Inspection Offices at Tatanagar, Jamshedpur, Burnpur and Kulti) Rules, 1966, namely:—

1. (1) These rules may be called the Directorate General of Supplies and Disposals (Allotment of Government residences for employees of Inspection Offices at Tatanagar, Jamshedpur, Burnpur and Kulti) Third Amendment Rules, 1969.
- (2) They shall come into force on the date of their publication in the official Gazette.
2. In the Schedule to the Directorate General of Supplies and Disposals (Allotment of Government residences for employees of Inspection Offices at Tatanagar, Jamshedpur, Burnpur and Kulti) Rules, 1966, for the entries under the heading 'Burnpur', and for the entries under the heading 'Kulti', the following shall be substituted, namely:—

BURNPUR

Serial No.	Class of residence	No. of Qrs.	Plinth area	Revised Classification
1.	(a) New 'H' Type Quarters	2	300	I
	(b) Old 'G' Type Quarters	12	245	I
2.	(a) New 'G' Type Quarters No. 1-4	4	530	II
	(b) 'H' Type Qrs. No. 1-4, 6, 7 and 9 to 12	10	621	II
3.	'C' Type Qrs. No. 1-6	6	930	III
4.	'B-3' Type Qrs. No. 1-4	4	1100	IV
5.	'B-1' Type Qr.	1	1550	V

KULTI

1.	'H' Type Qrs.	2	313	I
2.	'G' Type Qrs.	5	550	II
3.	'F' Type Qrs.	4	696	III
4.	'E' Type Qrs.	3	1000	IV
5.	'D-1/1' Type Quarter	1	2409	VI

[No. 57/10/64-ES II]

V. RADHAKRISHNAN, Under Secy.

पूर्ति मंत्रालय

नई दिल्ली, 5 दिसम्बर, 1969

एस०ओ० 4957.—मूलभूत नियमों के नियम 45 के अनुबन्धों के अनुसरण में राष्ट्रपति पूर्ति और निपटान महानिदेशालय (टाटानगर, जमशेदपुर, बर्नपुर तथा कुलटी के निरीक्षण-कार्यालयों के कर्मचारियों के लिए सरकारी आवासों का आवंटन नियम, 1966 में संशोधन करने के लिए एतद्वारा निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) ये नियम पूर्ति और निपटान महानिदेशालय (टाटानगर, जमशेदपुर, बर्नपुर तथा कुलटी के निरीक्षण-कार्यालयों के कर्मचारियों के लिए सरकारी आवासों का आवंटन) तृतीय संशोधन नियम, 1969 कहे जा सकेंगे ।
- (2) ये शासकीय राजपत्र में अपने प्रकाशन की तारीख से प्रवृत्त हो जाएंगे ।

2. पूर्ति और निपटान महानिदेशालय (टाटानगर, जमशेदपुर, बर्नपुर तथा कुलटी के निरीक्षण कार्यालयों के कर्मचारियों के लिए सरकारी आवासों का आवंटन) नियम, 1966 की अनुसूची में बर्नपुर शीर्षक के अन्तर्गत प्रविष्टियों के लिए और “कुलटी” शीर्षक के अन्तर्गत प्रविष्टियों के लिए निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

बर्नपुर

क्रम संख्या	आवासों की श्रेणी	क्वार्टरों की संख्या	कुर्सी (प्लिंथ) क्षेत्रफल	संशोधित वर्गीकरण
1.	(क) नए “एच” टाइप क्वार्टर .	2	3 00	i
	(ख) पुराने “जी” टाइप क्वार्टर .	12	245	i
2.	(क) नए “जी” टाइप क्वार्टर संख्या 1 से 4	4	530	ii
	(ख) “एच” टाइप क्वार्टर संख्या 1-4, 6, 7 और 9 से 12 .	10	621	ii
3	‘सी’ टाइप क्वार्टर संख्या 1-6 .	6	93 0	iii
4	“ई-3” टाइप क्वार्टर संख्या 1-4 .	4	1100	
5	‘बी-1’ टाइप क्वार्टर .	1	1550	v

कुलटी

1	‘एच’ टाइप क्वार्टर .	2	3 13	i
2	‘जी’ टाइप क्वार्टर .	5	550	ii
3	‘एफ’ टाइप क्वार्टर .	4	696	iii
4	‘ई’ टाइप क्वार्टर .	3	1000	iv
5	‘डी-1/1’ टाइप क्वार्टर .	1	2409	v

[संख्या 57/10/64-स्थापना-2]

वी० राधाकृष्णन्, अव्वर सचिव ।

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 8th/9th December 1969

S.O. 4958/IDRA/6/5.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 2, 4 and 5 of the Development Councils (Procedural) Rules 1952, the Central Government hereby appoints till the 29th April, 1970, Shri M. K. Kumar, to be a member of the Development Council established by the order of the Government of India in the late Ministry of Industrial Development and Company Affairs (Department of Industrial Development) Order No. S.O. IDRA/6/5, dated the 30th April, 1968, for the scheduled industries engaged in the manufacture or production of electric motors and of machinery and equipment for the generation, transmission and distribution of electric energy (excluding house service meters and panel instruments) and directs that the following amendments shall be made in the said order, namely:—

In the said order, for item 19 and the entry relating to Shri Satya Prakash, the following entry shall be substituted, namely:—

19. Shri M. K. Kumar, Deputy Director (Development), Railway Board, New Delhi.

Dr. Vakil Ahmed, Development Officer, Directorate General of Technical Development, New Delhi is hereby appointed as Secretary vice Shri R. K. Gupta to carry on the functions of the said Development Council.

[No. EEI-19(20)/63.]

P. J. MENON, Dy. Secy.

औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय कार्य मंत्रालय

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 8/9 दिसम्बर, 1969

एस० प्रो० 4958/आई/डी/आर/ए०-6/5 :—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए विकास परिषदों (कार्यविधि) नियम, 1952 के नियम 2, 4 और 5 के साथ पढ़ते हुए केन्द्रीय सरकार एतद्वारा 29 अप्रैल 1970 तक श्री एम० के० कुमार को भारत सरकार के भूतपूर्व औद्योगिक विकास तथा समवाय कार्य मंत्रालय (औद्योगिक विकास विभाग) के आदेश संख्या एस० प्रो० /आई० डी० आर० ए०/6/5 दिनांक 30 अप्रैल, 1968 द्वारा स्थापित विद्युत मोटरों एवं विद्युत ऊर्जा जनितरण पारेषण तथा वितरण हेतु (घरेलू का में आने वाले मोटरों और पैनल यंत्रों को छोड़कर) निर्माण या उत्पादन में लगे अनुसूचित उद्योगों की विकास परिषद का सदस्य नियुक्त करती है तथा निदेश देती है कि कथित आदेश में निम्नलिखित संशोधन किया जायेगा—

उल्लिखित आदेश में श्री सत्य प्रकाश से सम्बंधित निविष्टि 19 के स्थान पर निम्नलिखित निविष्टि होसी, अर्थात्

19. श्री एम० के० कुमार, उप निदेशक (विकास) रेलवे मण्डल (बोर्ड), नई दिल्ली ।

डा० वकील अहमद, विकास अधिकारी, तकनीकी विकास निदेशालय को एतद् द्वारा श्री आर० के० गुप्ता के स्थान पर कथित विकास परिषद के कार्यों को चलाने के लिए सचिव नियुक्त किया जाता है ।

[सं० ईई 1-19 (20)/63]

पी० जे० मैनन, उपसचिव ।

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 3rd December 1969

S.O. 4959.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standard (s), particulars of which are given in the Schedule hereto annexed, have been established during the period from 16 to 30 November, 1969.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief particulars
(1)	(2)	(3)	(4)
1	IS: 276-1969 Specification for austenitic manganese steel castings. (second revision).	IS: 276-1963 Specification for plain austenitic manganese steel castings. (revised).	This standard covers the requirements for austenitic manganese steel castings. (Price Rs. 3.50).
2	IS: 567-1969 Specification for disodium phosphate, anhydrous. (first revision).	IS: 567-1954 Specification for anhydrous disodium phosphate analytical reagent.	This standard prescribes the requirements and the methods of sampling and test for disodium phosphate, anhydrous. (Price Rs. 5.00).
3	IS: 571-1969 Specification for monosodium phosphate. (first revision).	IS: 571-1954 Specification for anhydrous monosodium phosphate.	This standard prescribes the requirements and the methods of sampling and test for monosodium phosphate, $\text{NaH}_2\text{PO}_4 \cdot \text{H}_2\text{O}$. (Price Rs. 5.00)
4	IS: 1200 (Part XV)-1968 Method of measurement of building and civil engineering work. Part XV painting. (second revision).	IS: 1200-1964 Method of measurement of building works. (revised).	This standard covers the method of measurement of painting in buildings and civil engineering works and applies to the preparation of estimates and bills of quantities, and for site measurement. (Price Rs. 2.50).
5	IS: 2222-1969 Specification for burnt-clay perforated building bricks. (first revision).	IS: 2222-1962 Specification for burnt-clay perforated building bricks.	This standard specifies the requirements in regard to dimensions, perforations, quality and strength of perforated burnt-clay building bricks for use in walls and partitions. (Price Rs. 2.00).
6	IS: 2248-1969 Glossary of terms relating to structural clay products.		This standard covers definitions of common terms applicable to structural clay products, used in building and civil engineering works (Price Rs. 2.50).

(1)	(2)	(3)	(4)
7	IS:4043-1969 Recommendations for symbolic designation of direction of closing and faces of doors, windows and shutters.	..	<p>This standard fixes conventions :</p> <p>(a) to designate and symbolize the direction on plan of closing of door, window or shutter leaves ;</p> <p>(b) to identify by a symbol each of the faces of doors, windows or shutters in relation to their direction of operation ; and</p> <p>(c) to specify the arrangement of the frame of doors, windows or shutters in relation to the premises of the room to be isolated.</p> <p>(Price Rs. 2.50).</p>
8	IS:4914-1968 Specification for tap wrenches adjustable.	..	<p>Dimensions and requirements for adjustable tap wrenches.</p> <p>(Price Rs. 3.00).</p>
9	IS:4917-1968 Specification for tap wrenches, fixed.	..	<p>Dimensions and requirements for fixed tap wrenches.</p> <p>(Price Rs. 3.00)</p>
10	IS:4921-1968 Specification for extension bars.	..	<p>Dimensions and requirements for extension bars.</p> <p>(Price Rs. 3.00).</p>
11	IS:5158-1969 Specification for phthalic anhydride, technical.	..	<p>This standard prescribes the requirements and the methods of sampling and test for phthalic anhydride, technical, suitable for industrial purposes. (Price Rs. 7.50).</p>
12	IS: 5161-1969 Specification for flexible electric heating pads for domestic use.	..	<p>This standard covers the requirements and methods of tests for domestic type flexible electric heating pads intended for use on the human body and designed for operation on voltages not exceeding 250 Vac single phase 50 c/s or dc.</p> <p>(Price Rs. 5.00).</p>
13	IS:5168-1969 Specification for glass feeding bottles.	..	<p>This standard prescribes the requirements and the methods of sampling and test for glass feeding bottles.</p> <p>(Price Rs. 5.00).</p>
14	IS:5186-1966, Criteria for design of chute and side channel spillways.	..	<p>This standard covers the hydraulic and structural designs and other general requirements of chute and side channel spillways.</p>

(1)	(2)	(3)	(4)
15	IS: 5193-1969 Specification for rubber sealing rings for domestic fruit and vegetable preserving jars.	..	This standard prescribes the requirements and methods of sampling and tests for rubber sealing rings to be used for domestic fruit and vegetable preserving jars. (Price Rs. 5.00).
16	IS: 5200-1969 Specification for bolt clippers.	..	This standard covers the requirements for two types of bolt clippers. (Price Rs. 3.50).
17	IS: 5207-1969 Specification for brushes, clothes.	..	This standard prescribes the requirements and the methods of sampling and test for clothes brushes manufactured from nylon monofilaments or bristles. (Price Rs. 3.50).
18	IS: 5212-1969 Specification for scissors, crown, dental, straight and curved on flat.	..	Dimensions and requirements of dental crown scissors, straight and curved on flat. (Price Rs. 3.00).
19	IS: 5215-1969 Specification for desk type fountain pen.	..	This standard covers the requirements of desk type fountain pens used in office. (Price Rs. 2.00).
20	IS: 5221-1969 Specification for gooseneck pin and bearings for heavy-lift derricks.	..	This standard lays down the requirements for gooseneck pin, the upper and gooseneck bearing for heavy-lift derricks. (Price Rs. 3.50).
21	IS: 5224-1969 Specification for oil expellers.	..	This standard specifies the material of construction, power requirements and capacity of oil expellers. (Price Rs. 2.50)
	5239-1969 Specification for wire rod for the manufacture of aluminized steel core wire for aluminium conductors.	..	This standard specifies requirements for carbon steel wire rods in sizes from 5mm to 14 mm, for the manufacture of aluminized steel core wire for aluminium conductors required for overhead power transmission. (Price Rs. 2.00).




Copies of these Indian Standards are available for sale with the Indian Standards Institution Manak Bhavan, 9 Bahadur Shah Jafar Marg, New Delhi-1 and also its branch offices at (i) 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) 5, Chowringhee Approach Road, Calcutta-13 (iii) 54, General Patters Road, Madras-2, (iv) 117/418-B, Sarvodaya Nagar, Kanpur, and (v) 5-9--201/2, Chirag Ali Lane, Hyderabad-1



New Delhi, the 4th December 1969

S.O. 4960.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark (s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 16 November 1969 :

THE SCHEDULE

Serial No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS : 4368 	Alloy steel billets, blooms and slabs for forging for general engineering purposes.	IS : 4368-1967 Specification for alloy steel billets, blooms & slabs for forging for general engineering purposes.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2	IS : 4398 	Carbon-chromium steel for the manufacture of balls, rollers and bearing races.	IS : 4398-1967 Specification for Carbon-chromium steel for the manufacture of balls, rollers and bearing races.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
3	IS : 4430 	Mould steels	IS : 4430-1967 Specification for mould steels.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

(1)	(2)	(3)	(4)	(5)
4 IS : 4431	Carbon and carbon-manganese free-cutting steels.	IS : 4431-1967 Specification for carbon and carbon-manganese free-cutting steels.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	
				
5 IS : 4432	Case-hardening steels	IS : 4432-1967 Specification for case-hardening steels.	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.	
				

[No. CMD/13 : 9]

New Delhi, the 5th December 1969

S.O. 4961.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time the Indian Standards Institution hereby notifies that IS:2581-1968 Indian standard specification for round strand galvanized steel wire ropes for shipping purposes (first revision) which covers nine constructions of ropes of ordinary right-hand lay for standing and running rigging, hawsers, mooring and towing purposes, including cargo gear rope, and supersedes IS: 2581-1963, shall be deemed to have been established with effect from 1st June 1968. However, for purposes of the Indian Standards Institution Certification Marks Scheme and to facilitate change over by the institutions licensees, both the new and the old versions of this standard shall remain in force upto 31st December 1969, after publishes the said arbitration agreement, which was received by it on the 20th which date only the new version, namely IS: 2581-1968 shall be in force.

[No. CMD/13:2]

A. K. GUPTA, Dy. Director General.

**MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS HOUSING
AND URBAN DEVELOPMENT**

New Delhi, the 3rd December 1969

S.O. 4962.—The following draft of certain rules further to amend the Drugs and Cosmetics Rules, 1945, which the Central Government proposes to make, after consultation with the Drugs Technical Advisory Board, in exercise of the powers conferred by sections 12 and 33 of the Drugs and Cosmetics Act, 1940 (23 of 1940), is published, as required by the said sections for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th February, 1970.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government :—

Draft Rules

1. These rules may be called the Drugs and Cosmetics (Amendment) Rules, 1969.

2. In the Drug and Cosmetics Rules, 1945, in rule 65 after sub-rule (11), the following rule shall be inserted, namely :—

“(11-A) No person dispensing a preparation containing substances specified in Schedule H or L, may supply any other preparation, whether containing the same substance or not, in lieu thereof.”

[No. 1-20/67-D.]

HAMIDULLAH KHAN, Under Secy.

(Department of Health)

New Delhi, the 4th December 1969

S.O. 4963.—Whereas Dr. Sheo Vihar Lal, M. Pharm., Ph.D., Government Analyst and Officer-in-charge, Bihar Drug Control Laboratory, Agam Kuan, Patna has been re-elected with effect from the 6th October, 1969 by the Bihar State Pharmacy Council as its representative under clause (g) of section 3 of the Pharmacy Act, 1948 (8 of 1948);

And whereas Dr. S. L. Agrawal, M. D., Professor of Pharmacology, Medical College, Indore has been re-nominated under clause (h) of section 3 of the said Act by the Government of Madhya Pradesh to represent that State on the Pharmacy Council of India with effect from the 14th September, 1969;

Now, therefore, in pursuance of section 3 of the said Act, the Central Government hereby directs that Dr. Sheo Vihar Lal and Dr. S. L. Agrawal shall continue to be, with effect from the respective dates aforesaid, members of the Pharmacy

Council of India constituted by the notification of the Government of India in the Ministry of Health No. F. 7-23/59-D, dated the 21st December, 1959.

[No. F. 6-6/69-MPT.]

R. MURTHI, Under Secy.

(Department of Health)

New Delhi, the 9th December 1969

S.O. 4964.—Whereas in pursuance of clause (d) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government has renominated Shri V. P. Anantanarayanan, Deputy Agricultural Marketing Adviser, Directorate of Marketing and Inspection, Nagpur, and Shri F. G. T. Menezes, Director (Vanaspati), Directorate of Sugar and Vanaspati, as members of the Central Committee for Food Standards representing the Departments of Agriculture and Food, respectively in the Ministry of Food, Agriculture, Community Development and Cooperation;

And whereas in pursuance of clause (e) of sub-section (2) of section 3 of the said Act, the State Government of Maharashtra has nominated Shri M. K. Rangnekar, Director, Drugs Control Administration, Maharashtra, Bombay as a member of the said Committee vice Dr. R. S. Bhavé;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby directs that the said Shri V. P. Anantanarayanan and Shri F. G. T. Menezes shall continue to be members of the Central Committee for Food Standards and makes the following further amendment in the notification of the Government of India in the Ministry of Health No. S.R.O. 1236 dated the 1st June, 1955, namely :

In the said notification for the entry against item 11 the following entry shall be substituted, namely :—

“Shri M. K. Rangnekar, Director, Drugs Control Administration, Maharashtra State, Bombay.”

[No. F. 14-45/69-PH.]

RAMESH BAHADUR, Under Secy.

स्वास्थ्य, परिवार नियोजन, निर्माण, आवास एवं नगर विकास मन्त्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 9 दिसम्बर 1969

एस० ओ० 4964:—वतः खाद्य घपमिश्रण निवारण अधिनियम, 1954 (1954 का 37) की धारा 3 की उप-धारा (2) के खण्ड (घ) के अनुसरण में केन्द्रीय सरकार ने बाजार एवं निरीक्षण निदेशालय, नागपुर के कृषि बाजार उप-सलाहकार श्री बी० पी० अनन्तनारायणन तथा बीबी एवं बनस्पति निवेशालय के निदेशक (बनस्पति) श्री एफ० जी० टी० मैनेजस को केन्द्रीय खाद्य मानक समिति के जिसमें खाद्य, कृषि सामुदायिक विकास तथा सहकारिता मन्त्रालय के क्रमशः कृषि तथा खाद्य विभागों का प्रतिनिधित्व है, सदस्य के रूप में पुनः मनोनीत किया है ;

और यतः उक्त अधिनियम की धारा 3 की उप-धारा (2) के खण्ड (ङ) के अनुसरण में महाराष्ट्र राज्य सरकार ने अधिवि नियन्त्रण प्रशासन, महाराष्ट्र, बम्बई के निदेशक श्री एम० के० रंगेनकर को डा० आर० एस० भावे के स्थान पर उक्त समिति के सदस्य के रूप में मनोनीत किया है ;

अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त श्री बी० पी० अनन्तनारायणन तथा श्री एफ० जी० टी० मैनेजस केन्द्रीय खाद्य मानक समिति के सदस्य बने रहेंगे और दिनांक 1 जून 1955-

की स्वास्थ्य मन्त्रालय भारत सरकार की अधिसूचना सं० एस० आर० ओ० 1236 में आगे निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना में मद 11 के सम्मुख दी गई प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, ये नामतः

“श्री एम० के० रंगनेकर,
निदेशक, औषधि नियन्त्रण प्रशासन,
महाराष्ट्र राज्य,
बम्बई”

[सं० फा० 14-45 69-जन स्वास्थ्य]

रमेश बहादुर, अव्वर सचिव।

DEPARTMENT OF COMMUNICATIONS

(Post and Telegraph Board)

New Delhi, the 10th December 1969

S.O. 4965.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st January, 1970 as the date on which the Measured Rate System will be introduced in SAGAR Telephone Exchange, M. P. Circle.

[No. 5-56/69-PHB(2).]

D. R. BAHL,

Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 10 दिसम्बर 1969

एस० ओ० 4965:—स्थायी आदेश क्रम संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने सागर टेलीफोन केन्द्र में 1-1-1970 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-56/69-पी० एच० बी० (2)]

डी० आर० बहल,

सहायक महानिदेशक, (पी० एच० बी०)।

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 5th December 1969

S.O. 4966.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Rajasthan, Jaipur, in the industrial dispute between the employers in relation to the management of Messrs Jaipur Mineral Development Syndicate Private Limited, Dausa, and their workmen, which was received by the Central Government on the 26th November, 1969.

CENTRAL INDUSTRIAL TRIBUNAL RAJASTHAN JAIPUR

PRESENT :

Shri Gopal Narain Sharma. Presiding Officer.

CASE No. CIT-5/66.

Reference.—Government of India. Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment, New Delhi Order No. 24/1/67-LRI dated the 21st October, 1967.

In the matter of an Industrial Dispute.

BETWEEN

Jaipur Mineral Development Syndicate Private Ltd., Jaipur.

AND

Their workmen represented by Dagota Khan Mazdoor Union, Dagota, H.O., Dausa (Rajasthan).

APPEARANCES :

For the Union—Shri Prem Kishan Sharma.

For the management—Shri G. K. Rana.

Date of Award, 23rd August, 1969.

AWARD

This is a reference by the Central Government under section 10(1) (d) read with section 12(5) for the adjudication of a dispute between the Jaipur Mineral Development Syndicate Private Limited, Dausa—hereinafter referred to as the Syndicate and its workmen represented by the Dagota Quarries Workers Union hereinafter referred to as the Union over the following demands:

1. Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Limited, Jaipur represented by Dagota Khan Mazdoor Union, Dausa, for the revision in the existing rates of wages of the workmen employed in the mines from Rs. 1.50—10 paise—2.25 to Rs. 2.25—15 paise—Rs. 3/- is justified? And to what relief, if any, the workmen are entitled and from what date?"
2. Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Ltd., Dausa, Jaipur represented by the Dagota Khan Mazdoor Union, Dausa, Jaipur (Rajasthan) for the grant of D.A. to the workmen employed in the mine in accordance with the recommendations of the Mathur Committee Report is justified? And to what relief, if any, the workmen are entitled and from what date?"
3. Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Ltd., Dausa, Jaipur represented by the Dagota Khan Mazdoor, Mazdoor Union, Dausa Jaipur (Rajasthan) for the revision of wages of underground workers of the mine so as to make the starting salary between Rs. 3/- to Rs. 4/- per day is justified? And to what relief, if any, are the workmen entitled and from what date?"
4. Whether demand by the workmen of Jaipur Mineral Development Syndicate Private Ltd., Dausa represented by the Dagota Khan Mazdoor Union, Dausa Jaipur (Rajasthan) for the grant of cycle allowance at the rate of Rs. 5/- per month, to the underground workers of mines is justified? And to what relief, if any, are the workmen entitled and from what date?"

The Union in their statement of claim submits that due to rise in the cost of living the grades of daily wages of the workmen of the Syndicate viz. Rs. 1.50—10—2.25 fixed 5 years ago had become unreal, more so as the work had become more difficult and almost all the workmen have reached the maximum of the grade. They therefore, claim a fresh grade of Rs. 2.25—15.3 for the daily rated workmen, working overground and Rs. 4 per day to workmen working underground as that work was more risky and difficult. Along with this grade they also claim dearness allowance in terms of the Mathur Committee recommendations and a cycle allowance of Rs. 5/- per month to all these workmen who came to the quarry from long distances.

The Syndicate by its written statement submits that the demand are covered under the settlement arrived at between the parties and as that settlement was still in force the reference was not maintainable on merits they submit that they were paying more wages to their workmen than the minimum fixed by the Government under the Minimum wages Act and Rs. 10/- per month allowance to underground workmen and Rs. 15/- as dearness allowance also to them. They are, however, not in a position to increase the wage or allow dearness allowance in terms of the Mathur Committee or give any cycle allowance.

The union examined Sayyed Nizamuddin and Sarvan in support of their case and also relied on Government decision Ex. W-1 in respect of Mathur Committee recommendations, while the management examined Shri Umrao Mal in rebuttal and also produced a copy of the award dated 4th July, 1969 in a similar dispute between the parties.

With regard to dearness allowance it may be mentioned that the Jaipur Mineral Development Syndicate operates through two branches, the Soap Stone Mill, at Dausa and a Mine at Dagota (Dausa). Both form one single unit for purposes of Balance Sheet and Profit and Loss account. The Mill workers have already been allowed dearness allowance by my learned predecessor in terms of the Mathur Committee recommendations in case No. IT-74 of 1966. This time it is the demand of the workers of the mines that they be also allowed dearness allowance in terms of the said Mathur Committee recommendations. The demand is perfectly justified their counterparts in the Mill (which is part of the same unit) are already getting at that rate. The learned counsel for the management has also nothing to say against it. I, therefore, hold that the workers of the mine be also allowed dearness allowance in terms of the Mathur Committee recommendations. The other demand for cycle allowance of Rs. 5/- per month is not justified. The union case is that workers come to the quarry from long distance, but that alone is not sufficient to get them cycle allowance. The employers do not send thereto any long distance to work. Therefore there is no force in this demand. The demand of the underground workers has also been met by the management. They claimed a special grade of Rs. 3/- to 4/-, but the management has given them special allowance of Rs. 10/- per month recently. This is quite sufficient. Therefore there need not be any difference in their wage structure from those of the workmen working overground. We have now to see what should be the grade of these workmen. The claim of the union is for the grade of Rs. 2.25-15-3 as against the grade of Rs. 1.50-10-2.25. By a recent award dated 6th July, 1969, we have fixed minimum wage for these workmen at Rs. 2.31. As the management had a grade for them earlier the demand is not unreasonable. The management opposed the demand on the ground that their financial position did not permit them to raise the grade. But their Balance Sheet of the year 1966-67 does not support them. Their authorised capital is Rs. 25.00 lakhs only. In addition they have taken loans to the tune of about Rs. 10.00 lakhs. As against this they have advanced loans to the directors, their relatives or invested money in concerns in which directors are interested to the tune of over Rs. 42.00 lakhs and over Rs. 3.00 lakhs to others. In this state of affairs how can they object that workmen cannot be given grade because the financial position of the company was bad. I therefore hold that the workmen are entitled to grade of Rs. 2.31-10-2.91 and I award accordingly. The award be submitted to the Government for necessary publication.

(Sd.) GOPAL NARAIN SHARMA,

Judge, Industrial Tribunal,

Rajasthan, Jaipur.

[No. 24/1/67-LR.IV.]

S.O. 4967.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudum Collieries and their workmen, which was received by the Central Government on the 29th November, 1969.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A. B.L., Chairman, Industrial Tribunal,
Andhra Pradesh, Hyderabad,

INDUSTRIAL DISPUTE No. 2 of 1969

BETWEEN:

Workmen of Singareni Collieries Company Ltd., Kothagudum.

AND

Employers of Singareni Collieries Company Ltd., Kothagudum.

APPEARANCES:

Workmen remained absent.

Sri M. V. Ramakrishna Rao, Assistant Personnel Officer, for the Employers.

AWARD

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by Order No. 7/19/68-LRII, dated 1st January, 1969 referred this case to me for adjudication. The issue as per Schedule annexed to the Notification is this:—

Having regard to the recommendations of the Wage Board for Coal Mining Industry at paragraph 12 of Section 3 of Chapter XV of its Report and in view of the acceptance of the Board's recommendation by the Government vide their resolution No. WB-16(5)/66 dated 21st July, 1967, whether the Management of the Singareni Collieries Company Ltd., Kothagudem (A.P.), was justified in denying the payment of minimum wages to the apprentices? If not, to what relief are these workmen entitled?

2. The Singareni Collieries Workers' Union, Kothagudem, is party to the reference. The statement of claims was filed by and under the signature of Mr. M. Komariah, General Secretary Singareni Collieries Workers' Union. The claim is that the apprentices should be paid Category-I wages as minimum wages as recommended by the Wage Board on Coal Industry. The Management filed counter repudiating that claim. It is not necessary to set out here in full the pleadings of the parties because a Memorandum of Compromise is filed today. It is dated 12th November, 1969. This document is filed by Mr. M. V. Ramakrishna Rao, Assistant Personnel Officer at Kothagudem. On behalf of the employer it is signed by Mr. V. L. Karwande and Mr. N. Bhaskarachary, who are respectively General Manager and Chief Personnel Officer of the Singareni Collieries Company Ltd. On behalf of the workmen it is signed by Mr. M. Komariah, General Secretary of the Singareni Collieries Workers' Union. The document is attested by two witnesses, Mr. M. V. Ramakrishna Rao and Mr. V. Gopala Sastry, who are Assistant Personnel Officers in the Collieries. One of the terms of the Settlement is that the Management had agreed to pay to apprentices in service not less than Category-I wages with effect from 15th August, 1969. I am satisfied that it is a fair and equitable settlement between the parties.

3. Award is herewith passed in terms of the Memorandum of Compromise dated 12th November, 1969, copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal this the 21st day of November, 1969.

(Sd.) MOHD. NAJMUDDIN,
Industrial Tribunal.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL (CENTRAL), HYDERABAD
IN THE MATTER OF I.D. 2 OF 1969

BETWEEN

The workmen of Singareni Collieries Company Limited represented by the
Singareni Collieries Workers' Union, Kothagudium.—*Workmen.*

AND

The Management of Singareni Collieries Company Limited, Kothagudium.—
Management.

Memo. of Compromise filed by the Parties.

As a result of a dispute raised by the Singareni Collieries Workers' Union in respect of Apprentice Deputies on the rolls of the Company, the Central Government by its Notification No. 7/19/68-LRII, dated 1st January 1969 referred the following matter for adjudication to the Central Government Industrial Tribunal, Hyderabad.

"Having regard to recommendations of the Wage Board for Coal Mining Industry at para 12 of Section 3 of Chapter XV of its Report and in view of the acceptance of the Board's recommendations by the Government *vide* their resolution No. WB-16(5)/66, dated 21st July 1967 whether the Management of the Singareni Collieries Company Limited, Kothagudium (Andhra Pradesh) was justified in denying the payment of minimum wages to the apprentices? If not, to what relief, are these workmen entitled?"

This dispute has been numbered as I.D. 2 of 1969. The workmen filed their Claim Statement on 25th February 1969 and the Management filed their Reply Statement to the said Claim Statement on 2nd April, 1969.

Subsequent to the submission of the Claim Statement by the workmen and Reply Statement by the Management, further discussions were held in the presence of Sri O. Venkatachalam, Chief Labour Commissioner (Central) New Delhi at Hyderabad during September 1969 and a Memorandum of Settlement was arrived at on this issue among other items included in the Strike Notice issued by the Singareni Collieries Workers' Union, Kothagudium.

Terms of Settlement

(1) It is agreed that the Apprentices in service will be paid not less than Category I wages with effect from 15th August, 1969.

(2) The other terms and conditions of their service shall remain the same as on 14th August, 1969.

(3) The Union have agreed to forego all other claims in respect of these workmen relating to the past period.

The parties, therefore, pray that the Hon'ble Tribunal be pleased to pass an Award in terms of this compromise.

And for this, the parties, as in duty bound, shall ever pray.

For Workmen:

Sd./- M. KOMARIAH.
General Secretary, S.C.
Workers' Union.

For Employers:

Sd./- V. L. KARWANDE,
General Manager, Singareni
Collieries Company Ltd.
(Sd.) N. BHASPARACHARY,
Chief Personnel Officer, Singareni Collieries
Company Ltd.

WITNESSES:

1. Sd/- M. V. RAMAKRISHNA RAO,
Assistant Personnel Officer, Singareni
Collieries Co. Ltd.

2. Sd/- V. GOPALA SASTRY,
Assistant Personnel Officer, Singareni
Collieries Co. Ltd.
No. P.40/2901 3636.

Dated: 12/13 November, 1969.

Kothagudium Collieries.
Kothagudium Collieries.

(Sd.) MOHD. NAJMUDDIN,
Industrial Tribunal.
[No. 7/19/68-LRII.]

New Delhi, the 9th December 1969

S.O. 4968.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Amalgamated Electricity Company, Limited, Bombay and their workmen, which was received by the Central Government on the 3rd December, 1969.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL AT DHANBAD

In the matter of a reference under section 10(1A) of the Industrial Disputes Act, 1947.

N.T. REFERENCE No. 9 OF 1967

PARTIES:

The Amalgamated Electricity Company Limited Bombay

AND

Their Workmen

PRESENT:

Shri Kamla Saha, Presiding Officer.

APPEARANCES:

On behalf of the Employers—Shri M. A. Gagrati, Advocate with Shri M. V. Bhat, Advocate and Shri M. M. Shah, Chief Accountant,

On behalf of the National Electricity and Engineering Workers' Union, Bhiwand—Shri C. L. Dudhia, Advocate with S/Shri U. R. Hosang, and A. K. Jariwala, President and Vice-President of the Union.

On behalf of workmen of Bulsar and Dohad—Shri C. L. Dudhia, Advocate.

On behalf of workmen of Chalisgaon, Jalgaon, Malegaon and Bhusawal—Shri H. K. Sowanl, Advocate.

On behalf of Belgaon Workers Union—Shri Ram M. Apte, President.

On behalf of Bijli Company Karamchhari Sangh, Ajmer—Shri B. L. Samdaria, President.

STATE: Maharashtra

INDUSTRY: Electricity

Dhanbad, the 17th November 1969

AWARD

The Central Government, by its order No. 17/3/66-LRIV dated the 17th February, 1967, referred a dispute between the Amalgamated Electricity Co. Ltd., Bombay (hereinafter referred to as the company) and its workmen to the National Industrial Tribunal at Bombay. It was numbered in the office of that Tribunal as Reference No. 1 (NT) of 1967. It remained pending before the Bombay Tribunal until the 20th December, 1967 when, under the Central Government's Order No. 17/4/67-LRIII dated the 5th December, 1967, it was transferred for disposal to the National Tribunal at Dhanbad with me as the Presiding Officer. My office received the case on the 26th December, 1967 when it was registered as N.T. Reference No. 8 of 1967. This reference related to the quantum of bonus payable by the company to its workmen for the years 1963-64, 1964-65 and 1965-66.

2. Similarly, the Central Government, by its order No. 17/3/66-LRIV dated the 16th June, 1967, referred another dispute between the same parties to the National Tribunal at Bombay for adjudication. That Tribunal received it on the 22nd June, 1967 and numbered it as reference No. 3 (NT) of 1967. This reference also remained pending before that Tribunal until the 20th December, 1967 when, by order No. 17/4/67-LRIII dated the 5th December, 1967, it was transferred for disposal to the National Tribunal at Dhanbad with me as the Presiding Officer. My office received this reference also on the 26th December, 1967 when it was numbered as N.T. Reference No. 9 of 1967.

3. With the consent of all the parties concerned, N.T. Reference No. 8 of 1967 has not been taken up and has remained pending. As I have to retire at the end of this month, I have agreed with the parties to let that reference remain pending for disposal by my successor in this Tribunal or by any other Tribunal

in accordance with the desire of the Central Government. I have taken up and heard the parties in full relating to N.T. Reference No. 9 of 1967. This award is concerned only with that reference. The order of reference in this case states that the dispute which is referred to the National Tribunal for adjudication relates to the following schedule:

"SCHEDULE

- (1) Scales of Pay.
- (2) Dearness Allowance including the question whether any part of the existing dearness allowance should be merged with basic pay.
- (3) House Rent Allowance.
- (4) Officialing Allowance.
- (5) Gratuity."

4. It appears that the company has nine branches in different states. It started as Belgaum Electricity Company which was established in 1933. That was the Pioneer Branch. It took over other Electricity Companies subsequently and they came to be its different branches in several States. The company was then re-named as Amalgamated Electricity Company Ltd. Out of the branches, the Belgaum branch is said to have 173 employees, Bulsar branch 71 employees, Dohad branch 54 employees, the Head Office 84 employees, Bhusawal branch 40 employees, Chalisgaon 79 employees, Jalgaon 171 employees, Malegaon branch 194 employees, Bhiwandi branch 110 employees and Ajmer branch 198 employees.

5. I may now give the cases of the parties as put in their statements of claim or written statement. The National Electricity and Engineering Workers Union, Bhiwandi, filed its statement of claim dated the 30th September, 1967. This union has stated *inter-alia* in its statement of claim that the company is an industrial undertaking dealing in business of generating, transmitting and distributing electrical energy and was incorporated in the year 1936. The company has been progressing rapidly, that it started with a capital of Rs. 12,50,000 in 1936 but its present capital in 1967 is Rs. 1,64,52,820, that its revenue has increased from Rs. 2,50,711 to Rs. 2,06,54,870 that its profits has risen to Rs. 52,75,739, that the dividends paid by the company have increased from 6½ per cent to 10 per cent., that the union submitted its charter of demands marked 'A' on the 7th March, 1967, that negotiations were held for settlement between the parties but they could not reach any agreement and that the company expressed its determination to maintain uniform service conditions and pay scales in all its branches and not to deviate from its practice of maintaining those uniform conditions in any circumstances.

6. It has further stated in the statement of claim that the list showing the basic salary paid to the employees of the company at Bhiwandi is marked 'B'. that the pay scales have not been fixed on scientific evaluation of the work, that the workers have not been properly classified, that it is necessary that there should be proper classification and that the salary paid to the employees of the company are very low, in comparison with the salaries paid in other electrical undertakings such as Tata Supply Company, B.E.S.T., Bombay, Surat Electric Supply Co., Bombay Suburban Electric Supply Co., Killick Industries etc.,

7. It has further been stated by the union that the company has recently enforced in the company pay scales of the Maharashtra State Electricity Board as given in Kalelkar's award without taking into consideration the nature of duties attended to by the employees of Maharashtra State Electricity Board and by their own workers, that if the duties of the workers of the two Organisation are compared, it will be found that the workers of the Board have very limited duties, risk and responsibilities whereas the workers of the company have multifarious duties and extra risk and responsibilities. The company is about 30 years old and it has sound financial position. It cannot be treated as equivalent of Maharashtra State Electricity Board which stands on a footing different from private undertakings. The union is opposed to the enforcement of pay scales of the Maharashtra State Electricity Board and a copy of its protest letter dated the 15th April, 1967 is marked 'C'. The upper revision of the pay scales is justified on the following, among other, grounds:—

"(1) The present pay scales are very poor;

(2) There has hardly been any revision in the pay scales;

(3) As against the almost stagnant Pay Scales the cost of living index has been rising from month to month with the result that there is a continuous erosion of real emoluments".

The dearness allowance at present is on the basis of All India consumer Price Index but the union claims dearness allowance at full textile rates calculated for all the days of the month. Since the union has demanded dearness allowance at textile rates, the question of merging part of the existing dearness allowance in the basic salary is out of question. It has then compared dearness allowance paid by the company with the Textile Undertakings calculated for 30 days. It has justified its demand for dearness allowance at full textile rate on the following grounds:—

"(1) The cost of living index in Bombay and elsewhere has shown a steep rise over the last so many years. Though there is no compilation of the cost of living index for Bhiwandi, it can safely be presumed that the rise in index is the same as in Bombay.

(2) The company's Head Office is at Bombay and most of the branches are functioning in developed industrial towns.

8. The union demands House Rent Allowance at the rate of 10 per cent of the workers consolidated wages. It also demands officiating allowance which needs no justification because it has generally been conceded where-ever a person in a lower grade is asked to work in place of a person in a higher grade. It further demands gratuity at the rate of one months' consolidated wages per year subject to the maximum of 30 months.

9. To sum up, the union has demanded (i) introduction of revised scales of pay in accordance with the demand of the union; (ii) dearness allowance at the textile rates calculated for all the 30 days in the month; (iii) to allot staff quarters to the workers or to pay House Rent allowance at 10 per cent of the total emoluments; (iv) payment of officiating allowance at the rate of 50 per cent of the difference between the salary of the worker himself and that of the worker for whom he officiates; (v) and gratuity at the maximum rate of 30 months pay and Cycle allowance of Rs. 15/- per month.

10. The statement of claim dated the 31st October, 1967 filed by the Belgaum Workers Union of the company is in substance to the following effect: that the scales of pay of the workmen should be as shown in Annexure I attached to the statement of claim and the procedure in fixing the new scales of the workmen should be as stated in annexure II. The wages which are being presently paid to the workers paid on daily basis are very low. They are made to do work like permanent workers but the wages paid to them are much lower. With a view to bring the level of wages of workers who are paid on daily basis at least nearer to, if not equal to the emoluments of the permanent workers, it is claimed that the minimum wages payable to a worker paid on daily basis (unskilled) be fixed at Rs. 4/- per day.

11. The workmen claim that the whole of the dearness allowance as on 1st April, 1965 be merged with the basic pay because the price of commodities are always on the increase and there is no possibility of the prices going down. The basic pay of the workmen as on 1st April, 1965 was too low and deserves to be substantially raised. By mere merger of the dearness allowance with the basic pay, there would be no rise in the total monthly emoluments of the workmen but they would get some relief in their retirement benefits as gratuity is paid on the basis of basic pay. The company will be able to bear the additional financial burden because that will not be great. In addition, the workmen claim that, as from 1st April, 1968 they may be paid the dearness allowance at the rate of 20 per cent of the revised basic pay. This demand would undoubtedly involve substantial financial burden on the company but, being a prosperous concern, it is in a position to bear the burden. It is further prayed by the workmen that, after 1st April, 1968, the dearness allowance payable to them be linked with the All India working class consumer price index so that it should automatically rise or fall with the rise or fall in the index number at the rate of Rs. 2/- per point.

12. The company should pay to all its permanent workmen house rent allowance at the rate of 10 per cent of their consolidated wages irrespective of whether a permanent worker stays in his own house or a rented house.

13. As to officiating allowance, the case of this union as put in its statement of claim is that a worker should be given 80 per cent of the difference between his consolidated monthly wages and those of the higher posts in which he officiates subject to a minimum of Rs. 25/- per month. At the time of his retirement on superannuation or resignation, a worker should after being in service for five years or more, be paid gratuity at the rate of one months' consolidated wages for each completed year of service with the company.

14. The scales of pay (basic) as given by this union in Annexure I are as follows:—

‘ANNEXURE I
Scales of Pay (Basic)

1. (a) Asstt. Engineers (b) Chargemen	} 250—20—450—25—825
2. (a) Junior Engineers (b) Meter Inspectors (c) Asstt. Chargemen	} 200—15—350—20—650
3. Accountant & Head Clerk	200—15—350—20—650
4. (a) Head of Bills Clerks (b) Cashier (c) Store Keeper	} 150—10—250—15—475
5. Electrical Supervisors	150—10—250—15—475
6. Electric Maintenance Mechanic	140—10—240—15—465
7. Switch Board Operator	130—8—200—10—350
8. (a) Fitter (b) Turner (c) Engine Driver	} 120—8—200—10—350
9. (a) Asstt. Store Keeper (b) Asstt. Accountant (c) Asstt. H.B.C.	} 140—10—240—15—465
10. Typist, Senior	120—8—200—10—350
11. Typist, Junior	100—6—160—8—280
12. (a) Servicemen (b) Lineman	} 120—8—200—10—350
13. Cable-jointer	120—10—220—12—400
14. Senior Clerks	120—8—200—10—350
15. (a) Junior Clerks (b) Meter Readers	} 100—6—160—8—280
16. Meter Testors	100—6—160—8—280
17. (a) Meter Charger (b) Street Lighter (c) Wireman (d) Fuseman (e) Blacksmith	} 90—6—150—8—270
18. (a) Asstt. Serviceman (b) Asstt. Lineman	} 90—6—150—8—270
19. Motor Drivers	90—6—150—8—270
20. (a) Mazdoor (b) Watchman (c) Peon (d) Helper (e) Cleaner (f) Gardener (g) Sweeper	} 80—3—110—4—170

NOTES:—(1) The above mentioned scales of basic pay should be made applicable with retrospective effect from 1st April, 1965.

(2) Regularity Allowance as in force on 1st April, 1965 should be continued as before.

15. In Annexure II, the Belgaum union has laid down the principles on the basis of which it wants fixation of salary of the workmen.

16. The statement of claim filed by the Ajmer Branch of the Amalgamated Electricity Co. Mazdoor Sangh, Ajmer, dated the 6th November, 1967 is in the same terms as that of the Belgaum Branch though the figures given at the higher stages of scales of pay in Annexure I are slightly different in some cases.

17. The statement of claim dated the 8th November, 1967 including the Annexures filed by the workmen of the Jalgaon, Bhusawal and Chalisgaon branches, represented by the Jalgaon Jilha Viz. Kamgar Sangh, Jalgaon is also in the same terms as those of Belgaum Branch.

18. Malegaon has also adopted the statement of claim of Belgaum Branch. The workers of other branches have not filed any statement of claim.

19. In its written statement, dated the 20th November, 1967, the management of the company has first stated that its Registered Office is at 17-B, Horniman Circle, Fort, Bombay-1 and that it mainly deals with generation, distribution and sale of electrical energy. It has given the names of the different branches saying that Ajmer is in Rajasthan, Belgaum is in Mysore, Bhiwandi, Bhusawal, Chalisgaon, Jalgaon and Malegaon are in Maharashtra and that Bulsar and Dohad are in Gujarat whereas the Head Office is in Bombay. It has given the number of workers at each place as I have already mentioned it above.

20. The company has stated that Government of India has already appointed a Wage Board to fix up the service conditions of labour as well as the minimum wages for Electricity Industry in India and hence this reference be rejected or adjourned *sine-die*. I may mention that I heard this point at the earliest stages of the hearing of this case and rejected the contention advanced on behalf of the company. The companies' case in its written statement further is that the service condition regarding scales of pay as existing today are adequate and satisfactory, that the present scales of pay have been applied as a result of settlements of industrial disputes raised for and on behalf of the workers of several branches. The same scales have been made applicable to all the branches. Annexure marked 'A' is a statement showing the scales of pay fixed for various categories existing in the company at present. Though previously there were no fixed scales in the company, workers have not been deprived of regular increments year after year. Increments have been given to the workers on the basis of individual merits for the last 30 years. All the workers of the company, working in different states, are governed by common rules and regulations framed by the company.

21. The General Secretary of the General Workers Union at Malegaon had raised a demand for scales of pay along with other demands on behalf of the workers employed at Malegaon, Jalgaon, Chalisgaon and Bhusawal branches. This dispute was settled by settlements signed on the 29th October, 1966, 19th November, 1966 and the 31st March, 1967. Copies of those settlements are filed and have been marked 'B' collectively. It was specifically agreed between the parties under clause (5) of the agreement dated the 29th October, 1966 in the presence of the Deputy Commissioner of Labour, Bombay, that "both the parties agreed that the wage structure of these branches should be fixed on par with that prevailing in Maharashtra State Electricity Board". The dispute of the workers of Maharashtra State Electricity Board was then pending for arbitration before Shri B. S. Kalelkar, Arbitrator, who gave an award which was published in Maharashtra Government Gazette Part I-L dated the 1st December, 1966 at page 3930.

22. The company submits that, in fixation of scales of pay, the financial capacity of the company to pay is one of the essential and important considerations. In the ultimate back-ground, care has to be taken that the burden of an increased rate should not be such as to drive the employers out of business. There are certain peculiar features attaching to the electricity industry which have also to be considered. Those features are: that the company is governed by the Electricity (Supply) Act, 1948 which imposes several restrictions in earning profits; the company cannot earn more than what is defined in the Act as "reasonable return" which is only 7 per cent of the capital base existing as on 31st March, 1965 and, in certain circumstances, is 2 per cent over the Bank Rate which also comes to 7 per cent. The company is further controlled by the State Governments as well as by the Electricity Boards. The company is thus not a liberty to make any amount of profit it desires.

23. Further, restrictions are imposed on the company by the State Boards of Electricity concerned in respect of charges for sale of electricity to its consumers. In some areas, the company is not permitted to charge a higher tariff rate than that charged by the Board. Any increase in the Tariff charges is liable to meet

resistance from the consumers also. There were instances in Chalisgaon and Jalgaon when consumers resorted to strike with the result that the towns were in darkness for months together.

24. In case the profits of the company are more than the amount of "reasonable return", the company has to refund to the consumer a proportionate amount. Besides, section 55 of the Electricity (Supply) Act, 1948 lays down that every licensee shall comply with all such reasonable directions as the Board may, from time to time, impose for the purpose of achieving the maximum of economy and efficiency in the operation of the undertaking or any part thereof. If the company wishes to enhance its rates, it can only do so after giving two months notice to the State Electricity Board as well as the State Government and receiving permission from those authorities after full investigations for enhancement of the rates of the Electricity Tariff. Besides, increase in rates will be likely to provoke resistance from the consumer in different ways.

25. The company is not earning "reasonable return" in some of its branches i.e. Chalisgaon and Malegaon where they were deficits amounting to Rs. 1,93,760 and Rs. 1,76,698 respectively in 1966-67. These deficits resulted in the company not providing normal statutory depreciation. An attempt to increase the rate of electricity failed. In other branches also, the company could hardly earn the "reasonable return".

26. The employees of the company are being paid wages at present in accordance with the wage structure of the Maharashtra State Electricity Board which is adequate and fair. If region and industry are taken as the basis, the Maharashtra State Electricity Board is the biggest employer and the largest supplier of electricity. Branches of the company are located also in the States of Rajasthan, Mysore and Gujarat where pay scales are lower than those of Maharashtra and the Maharashtra State Electricity Board. The wage scales paid by the company are higher than those of all the four electricity boards. Besides, the company runs its electricity business at a particular place under a licence which may expire or the business may be taken over by the State or the State Board of Electricity.

27. The company submits also that, by merging 50 per cent of the dearness allowance in basic salary and by further merging the additional dearness allowance and regularity allowance, the total emoluments of its employees are far better than those of the employees of the Maharashtra State Electricity Board. Even after the merger of 50 per cent of the dearness allowance, the company pays dearness allowance to its employees in accordance with that of the Maharashtra State Electricity Board. The financial capacity of the company has reached the point of saturation and it cannot bear any further burden.

28. As to the matter of dearness allowance including the question whether any part of the existing dearness allowance should be merged with basic pay, the management of the company has stated in the written statement that, on 20th August 1964, the workers of Ajmer branch raised demands for revision of wage scales, merger of dearness allowance in basic salary, house rent allowance and bonus, that the dispute was referred to the Industrial Tribunal of Rajasthan at Jaipur, that a settlement was recorded by the Industrial Tribunal in reference (IT) case No. 13 of 1965. By that settlement, the company agreed to merge dearness allowance of Rs. 25 in the basic wages of the workers drawing basic wages up to Rs. 75 etc., from the 1st October, 1966. When the settlement was concluded by the award, the award was given effect to in all the branches of the company even though they had not raised any dispute. That did not give peace to the company. Though the workers of Bhiwandi branch enjoyed the benefits of the Rajasthan award, they raised a dispute in 1965, relating to merger of dearness allowance with basic wages. This was referred to the Industrial Tribunal at Bombay before Shri F. H. Lalla in reference No. (IT)263/65. That Tribunal also gave an award in terms of an amicable settlement between the parties to the effect that 50 per cent of the dearness allowance in force as on 1st December, 1965 should be merged with basic salary on that date without effecting percentage of additional dearness allowance. Annexure 'D' is a true copy of that award. As soon as this award was given, it was implemented in all the branches and all the workers of the company, therefore, benefited from that award.

29. The result was that in view of the two awards mentioned above, the company merged 50 per cent of the dearness allowance with the basic salary as on 1st December, 1965, in respect of staff of all the branches. Annexure D1 is a chart showing the comparative position of salary prior to Rajasthan award, Bhiwandi

award and the settlement entered into with the four branches of Malegaon, Challsaon, Jalgaon and Bhusawal. The company has also shown in the written statement the total increase in emoluments and dearness allowance effected as a result of all the settlements.

30. The company has further stated in substance that 50 per cent of the dearness allowance has been merged with the basic salary, that even after the merger, the company is paying dearness allowance as per the Maharashtra State Electricity Board scales and that whenever additional dearness allowance was being paid over and above the Board's scales, that dearness allowance is being merged with the basic salary progressively every year. The total pay packet should be taken into consideration at the time of deciding the amount of dearness allowance. Annexure marked 'E' is a statement showing the system of payment of dearness allowance as has existed in the company from time to time and annexure 'F' is a statement collectively so marked in order to show the prevailing dearness allowance in force in the company.

31. In so far as House Rent Allowance is concerned, the company has submitted that it has agreed that it will pay house rent allowance as paid by the Maharashtra State Electricity Board at various branches. The company has accordingly applied the scheme of house rent allowance to its workers in Malegaon in accordance with the scales fixed by the Maharashtra State Electricity Board to its staff at Malegaon. The system presently in force is adequate and fair besides the company's branches are not located in big cities where housing problem is acute. The workers of the company belong only to local areas where the Power House is situated and they have mostly their own houses. The rent wherever paid by the workers is less than 10 per cent of their basic salary.

32. As regards officiating allowance, the company has submitted that it has recently introduced its own rules for payment of officiating allowance and the allowance paid under those rules is sufficient.

33. Annexure 'I' is the scheme of gratuity prevalent in the company from 1949 for the benefit of its employees. Under clause 17(2)(b)(XII) of the VIth schedule of the Electricity (Supply) Act 1948, no gratuity scheme can be introduced without the sanction of the State Government.

34. There was originally some controversy between the parties as to whether this reference can or cannot be taken up for hearing in view of the reference to the Electricity Wage Board. It is unnecessary to refer to the statements and affidavits filed by them in this connection because this was set at rest by my order dated the 13th August, 1968 whereby I refused to postpone the hearing and adjudication of this reference on the ground of constitution of the Wage Board.

35. The unions have filed several affidavits and the management of the company has also filed an affidavit. I may shortly mention the contents of the affidavits. The first affidavit is that of Shri Baburao Payappa Jakkannavar, Vice-President of the Belgaum Workers Union, dated the 10th April, 1968. He has stated that he has sworn the affidavit on behalf of the workmen of Belgaum Branch. His further statement is that the workmen of the first party company, on an average, do much more work than their counter-parts in the Maharashtra State Electricity Board. The comparative statement as put in annexure 'A' will support this statement. He has also stated that the workmen of the Mysore Electricity Board get free and unlimited supply of electric energy for their domestic consumption and thus they get indirect payment of Rs. 20 to Rs. 30 per month in addition to their pay and allowances etc.

36. The second affidavit is dated the 16th April, 1968 and has been sworn by Shri Gopal Trimbak Kukade, Joint Secretary of the union named Vidyut Kamgar Sangh, Malegaon. A substance of his statement in the document is that he knows the pay and allowances of different categories of employees of the Thana Electricity Supply Co. Ltd., and those of the Bombay Suburban Electric Supply Co. Ltd., The grades and scales of pay are given in annexure I and II of the affidavit and the dearness allowance payable to them is given in annexure III and IV. He has further said that the employees of Malegaon Branch of the Amalgamated Electricity Co. Ltd., put in on an average much more work than those of the Maharashtra State Electricity Board. The comparative work load is given in annexure V. The Maharashtra State Electricity Board takes into consideration both the basic pay and allowances of an employee for the purposes of calculating his gratuity. The lowest scale given in annexure I is that of mazdoor, mall and sweeper at 35-3-50-88 and the second lowest scale is that of peons, delivery peons, watchman, attendants and semi-skilled mazdoors at 40-4-60-5-95; the lowest scale

as given in annexure III which is the pay scale of Bombay Suburban Electric Supply Co. Ltd., is that of sepoy, watchman, hamals, swetchers and mails which is 35-2-45-3-65, 35-2-49-3-65; the second lowest scale in that company as given in annexure III is that of Assistant cooks and bearers at Rs. 40-2-50-55-4-75.

37. Another affidavit is dated 3rd may, 1968, and it has been sworn by Shri Mahadeo Dhondiba Gawade. He says that he has been in the service of the company for over 11 years. He has stated that the company spends an approximate amount of Rs. 3,60,000 on wages, salary and allowances of employees of the Head Office, the rent of the head office being about Rs. 12,000 per year. The resident engineer of all the nine branches are paid approximately Rs. 1,68,000 annually as salary and allowances.

38. The next affidavit is dated the 18th July, 1968 which has been sworn by Shri Baburao Payappa Jakannawar, who sworn the affidavit dated the 10th April, 1968, also. In substance, this affidavit is merely to the effect that the amount of work which is done by the 305 workmen of Kolhapur Urban Divisional office of the Maharashtra State Electricity Board is almost the same as done by 170 workmen of the Belgaum branch of the Amalgamated Electricity Company.

39. The affidavit of Shri M. Y. Ankle dated the 28th July, 1968, concerns mainly the question whether this reference should be taken up in view of the appointment of the Central Wage Board. Since I have already passed my order relating to this matter, this affidavit need not be considered any further.

40. The next affidavit is dated the 14th August, 1968, and it has been sworn by Shri M. Y. Ankle, General Secretary of the Belgaum Workers Union. He has stated *inter-alia* in that affidavit that the workmen of Belgaum Branch of the Company made certain demands in December, 1965 through their unions, that the demands concerned among other things, bonus for the years 1963-64 and 1964-65 and payment of wages, merger of dearness allowance with basic pay, city allowance, cycle allowance, compensatory house rent allowance and payment of wages at the rate of Rs. 4/- per day to the unskilled daily workers but the management did not agree to any of the demands, that the Conciliation Officer took up the matter in conciliation but it ended in failure, that ultimately the demands were referred by the State of Mysore to the Industrial Tribunal of Mysore at Bangalore for adjudication, that a little after December 1965, the management approached the Central Government for reference to a National Industrial Tribunal for adjudication of various matters relating to different demands made by the workers of different branches of the company, that a National Industrial Tribunal was accordingly constituted and references were made to it on the 17th February, 1967 and the 16th June, 1967, that Thana Electricity Supply Co. Ltd., can be said to be a comparable concern with the Amalgamated Electricity Co. Ltd., that the grades and scales of pay and allowances paid to the workmen of the Thana Electricity Co. Ltd., are given in annexure 'F' attached to the affidavit, that the grades and scales of pay and allowances paid to the employees of Bombay Suburban Electricity Supply Co. which is another comparable concern are given in annexure 'G' attached to the affidavit and that the Amalgamated Electricity Co. Ltd., is a prosperous concern and this can be found from the balancesheet and profit and loss statement of the company in recent years.

41. Shri M. M. Shah, The Chief Accountant of the company, filed an affidavit in reply, which he swore on the 14th October, 1968. He has stated that the demands made by the workmen of Belgaum Branch through their union were referred by the Government of Mysore under its order dated the 30th June, 1966 to the Industrial Tribunal at Bangalore. He has further given the demands of the workers as given by Shri Ankle and has said that it would be seen from the order of reference that the demands of wage scales and dearness allowance are not covered by the order of reference.

42. He has further said that several industrial disputes were raised by the workers of different branches one after another at various times. Demands made by the workers of Ajmer in Rajasthan State were referred to the Industrial Tribunal of Rajasthan at Jaipur and an award was given in reference (IT) 13 of 1965 by that Tribunal on the 17th December, 1965. According to the policy of the management to have uniform service condition in all its branches, the management made that award applicable to all the employees at all its licenced branches at different places. The workers of Bhiwandi branch raised another dispute which was referred by the Government of Maharashtra to the Bombay Industrial Tribunal by reference (IT) No. 263 of 1965. By an award of that Tribunal, 50 per cent

of the dearness allowance in force on the 1st December, 1965 was merged with the basic salary without affecting the percentage of additional dearness allowance. The merger was given retrospective effect from the 1st December, 1965. In accordance with the policy of the management of the company, it made that award applicable to all the workers of the company in all the branches and a circular dated the 24th December, 1965 was issued to that effect. Ext. 'A' attached to the affidavit is a true copy of that circular.

43. A dispute was subsequently raised by the workers of four other branches of the company in the State of Maharashtra. A settlement was reached in conciliation on the 29th October, 1966 and in continuation of that settlement another settlement was reached on the 31st March, 1967. As a result of those settlements, the service condition of the workers of this company were further improved. As a result of this perpetual unrest and demands from various branches, the company approached the Central Government for the appointment of a National Tribunal with a view to have industrial peace. Because of the valid operating and subsisting settlements and awards, the workmen are not entitled to raise and get adjudicated upon the demands covered by the said settlements and awards. As the settlements and awards are binding and operative and have not been terminated, this Tribunal has no jurisdiction to consider the demands covered by them.

44. The allegation that there is an error in the order of reference is vague and that, until a corrigendum is issued by the Central Government, the Tribunal cannot consider anything beyond the reference.

45. It will appear from the annexure to the written statement that the wages as well as dearness allowance of the workers have been substantially revised from 1965 onwards. The workmen of Belgaum branch have accepted all the benefits arising out of various settlements and awards without any protest. The company, by a notice of change dated 6th April, 1967, specifically intimated to the workmen of Ajmer, Bhiwandi, Dohad, Bulsar and Head Office regarding the revision in the structure of dearness allowance and additional dearness allowance and regularity allowance. The management received a communication dated 20th April, 1967 from the majority of workmen of Belgaum, accepting the change and seeking clarification on some points contended therein. True copies of the notice dated 6th April, 1967 and the letter dated the 20th April, 1967 are given in Annexure 'B'.

46. The demand of classification and/or re-classification is not covered under the order of reference before this Tribunal. It may be pointed out that seven (7) out of the nine (9) branches of the company are not even in a position to earn a "reasonable return" as laid down in the Electricity (Supply) Act, 1948. At Ajmer, the company is distributing electricity after purchasing the same from the Rajasthan Electricity Board as well as generating electricity to meet the requirement of the consumers and, under clause 3 of the agreement dated the 12th April, 1961 between the company and the Rajasthan State Electricity Board, the company is not entitled to charge more than the Rajasthan State Electricity Board. It may also be pointed out that agitation of consumers against the increase of rates at Malegaon, Challsaon and Bhiwandi has not permitted the company to increase its rates to the required extent. As a result of agitation, the company was also forced to reduce its rates of factory lighting in the Bhiwandi branch. In the case of Challsaon branch, the Government imposed a condition upon the company limiting its earning to 5 per cent which was laid down as its reasonable return as against the reasonable return of 7 per cent permissible under the Electricity (Supply) Act, 1948.

47. The deponent denies that the management is capable of bearing the financial burden as alleged by Shri Ankle. If any additional burden is imposed upon the company, it would completely cripple its economy and jeopardise its existence. He has given the dates of expiry of the licences of the different branches. Most of the licences expire in or force 1973. One expires in 1975 and the licences of Dohad branch only expires in 1981. Shri Shah has further averred that the policy letters. By saying that, he meant that the Resident Engineer could not have kept of the Government is that licences granted to private sector companies should not be renewed.

48. I need not recapitulate what Shri Shah has stated in his affidavit about bonus because reference No. 8 has not yet been heard and is not being disposed of.

49. Shri Shah has stated that Shri Ankle has not placed any material on the record to show that this company is comparable with the Thana Electricity Supply Co. Ltd. or the Bombay Suburban Electricity Supply Co. Ltd. This company

has adopted the wage structure of Maharashtra State Electricity Board not only in its branches in Maharashtra but also in other branches outside Maharashtra on the basis of its policy to apply the same service conditions to all its employees in all the branches. On the other hand, the Thana Electricity Supply Co. Ltd., holds a single licence in a big industrial area while the Amalgamated Electricity Co., has nine licences in small and medium towns which are not industrially developed. As this company has nine different branches apart from the Head Office, the costs of operation like establishment charges etc., are much higher than those of companies like Thana Electric Supply Co. Ltd.

50. Thana Electric Supply Co. Ltd., receives its supply of Electricity from the Tatas, the source of supply being Hydel, and hence its cost is very low. This company purchases electricity from the Electricity Board or generates electricity by means of diesel oil and hence its cost in securing electricity is much higher. It purchase electricity from the Tata for its branches at Bhiwandi but its cost is higher because it purchase electricity in small quantities while Thana Electricity Supply Company purchases electricity in bulk with the result that its cost is much less. As this company has to operate in so many branches, it needs a much larger number of staff for various departments than Thana Electric Supply Co. Ltd.

51. The figure of reserves shown as 1,03,30,479 for the years 1966-67 is incorrect because it includes an amount of Rs. 4,45,127/- pertaining to Khandesh Extraction Department. After deducting that amount, the balance which is left is Rs. 98,85,352. number of staff for various departments than Thana Electric Supply Co. Ltd.

1. Dividend Reserve	Rs. 15,04,730/-
2. Taxation Reserve	Rs. 6,29,766/-
3. Employees' Retiring Gratuity Reserve	Rs. 14,64,946/-
	<u>Rs. 35,98,542/-</u>

52. After deducting the above amount of Rs. 35,98,542/- from the amount of Rs. 98,85,352/-, the reserve would be only Rs. 62,86,810. Sums of Rs. 6,13,018/-, Rs. 40,52,859/- and Rs. 9,60,446/-, totalling Rs. 66,26,323/- will have to be deducted as contingency reserve, capital reserve which is formed out of consumer service line, contribution and development reserve respectively from the free reserve because these amounts have, under the VIth Schedule to the Electricity (Supply) Act 1948, to be handed over at the time when the Board or the Government exercises its option to purchase the Electricity Undertaking. Thus, the free reserve will amount only to Rs. 6,60,487/-. In the year 1966-67, the free reserve of the Thana Electricity Co. Ltd., on the same basis as shown above for the Amalgamated Electricity Co., was a sum of Rs. 6,48,492/-.

53. The affidavit of Shri M. M. Shah is further to the effect, in the year 1967-68, the position of reserves, if compared between those of Amalgamated Electricity Co., and Thana Electricity Co., the former would stand in a much better position as follows:—

	Thana Electric Supply Co. Ltd.	Amalgamated Elec. Supply. Co. Ltd.
Tariff & Dividend Control Reserve .	76,556	70,106
General Reserve	9,80,000	27,622
Surplus	8,930	68,664
Dividend Reserve . . . . .	..	3,80,201
	<u>10,65,486</u>	<u>5,46,593</u>

54. It is further stated that these reserves in the case of Amalgamated Electricity Co. Ltd., are extremely meagre when the consideration is kept in view that the share capital of Amalgamated Electricity Supply Co. Ltd. is $7\frac{1}{2}$ times more than that of the Thana Electric Supply Co. Ltd. The fixed assets as compared with the share capital in so far as Thana Electric Supply Co. Ltd., is concerned are in the ratio 1:6 whereas, in the Amalgamated Electricity Supply Co. Ltd., they are in the ratio of 1:2.

55. The Thana Electric Supply Co. Ltd., has been able to create sufficient statutory reserve in view of its high profits as compared with the Amalgamated Electricity Supply Co. Ltd. The dividend paid by the Amalgamated Electricity Supply Co. Ltd., in the year 1966-67 is less by 0.7 per cent than that paid by the Thana Electric Supply Co. Ltd.

56. The percentage of salary to fixed assets and to gross revenue in the two companies were as follows:—

	1965-66		1966-67	
	Thana Elec. Supply Co. Ltd.	Amalgamated Elec. Co. Ltd.	Thana Elec. Supply Co. Ltd.	Amalgamated Elec. Co. Ltd.
Percentage of salary to fixed assets	7.1%	9.1%	6.2%	9.5%
Percentage of salary to revenue	13.4%	13.0%	12.0%	14.0%

57. It has also been stated in the affidavit that Thana Electric Supply Co. Ltd., earns 50 per cent profits on their share capital while the Amalgamated Electricity Supply Co. Ltd., earn 20 per cent. The earning of gross revenue in Thana Electric Supply Co. is 100 per cent over its purchase cost whereas it is only 25 per cent over its purchase cost in the Amalgamated Electricity Supply Co.

58. The consumers of Thana Electric Supply Co. Ltd., in the 40 years of its existence have increased by 23.7 per cent whereas they have increased in Amalgamated Electricity Supply Co.'s existence in 33 years of its existence by only 6 per cent. Similarly, the former's revenue increased in 1965-66 by 20.85 per cent while that of the Amalgamated Electricity Supply Co., increased only by 8 per cent. The future prospect of the Amalgamated Electricity Supply Co. Ltd., are also not bright because several licences of the company expire shortly.

59. The Bombay Suburban Electricity Supply Co. Ltd., is also not a comparable concern because necessary data have not been given. Besides, that company holds a licence for a very large industrial area, having prosperous business as compared with the Amalgamated Electricity Supply Co., which holds licences in small moribund areas at different places in different states.

60. Shri Shah has denied that the Amalgamated Electricity Supply Co. is a prosperous concern. The balance sheet and profit and loss account of this company for the years 1967-68 have been annexed to the affidavit and has been marked 'C'. The balance sheet will show that the gross profits of Rs. 33 lakhs and odd has been reduced to 27 lakhs and odd for the years 1967-68. Shares of this company of the face value of Rs. 10/-, which were previously quoted at Rs. 18/- are now quoted at about Rs. 7.60. This is a clear indication of the company's decline. In 1967-68, the company could not even earn "reasonable return" as laid down in the VIth Schedule of the Electricity (Supply) Act, 1948 in its branches at Malegaon, Chalisgaon, Bhiwandi, Dohad, Jalgaon, Bhusawal and Ajmer i.e. seven out of 9 branches.

61. Shri Shah has further stated that the company has to carry forward statutory depreciation and other liabilities in different branches as it was unable to provide for them in the current year. If there is any wage increase, the company would be driven out of existence. The demand of the unions in respect of pay scale and dearness allowance may, therefore, be rejected altogether.

62. In affidavit dated 10th April, 1968, and 18th July 1968 demands have been made for increase in the scales and wages on the ground of alleged increase of work loads but affidavits of individual workers have not been filed and hence this affidavit may not be entertained.

63. The affidavit has mentioned other grounds in support of the plea that the affidavits dated 10th April, 1968 and 18th July, 1968 are not maintainable and the conclusion drawn from the facts mentioned are incorrect or hearsay.

64. At the request of Shri Apte, Shri M. M. Shah was called as a witness for cross-examination. On being cross-examined, he has stated that the contents of

paragraph 3 are based upon information from the branch concerned; the contents of paragraph 4 are based upon his knowledge derived from the record which were with him and that the contents of paragraph 5 were also based upon information derived from his office. The concluding portion of paragraph 5 is his submission. He has also stated that whenever any award or settlement came in one branch of the company, it was applied by means of a circular issued by the company to other branches. On being further cross-examined, he has stated that the third settlement was arrived at between the company and the workers of four branches namely Jalgaon, Chalisgaon, Malegaon and Bhusawal and that the terms of that settlement were made applicable to the Belgaum branch under the company circular dated 29th April, 1967. The workmen made some queries for clarification and thereafter made an application signed by 107 workmen in which they signified their pleasure and acceptance. He has proved that application as Exts. M 1 and Shri M. Y. Ankle's signature on that application as Ext. M1 (a). He has also given particulars of the circular by which different statements were made applicable to Belgaum branch. He has proved Ext. M 8 which is a true copy of the circular issued by the company for change of service condition under section 9A of the Industrial Disputes Act, 1947 dated 6th April, 1967.

65. He has admitted that House Rent Allowance was given to workers of Malegaon because they were specifically mentioned by Shri Kalelkar who gave an award in connection with the workmen of Maharashtra State Electricity Board. He has further stated that Belgaon and Ajmer are not in Maharashtra. He has denied that the workers of Belgaum Branch accepted benefits under the settlement under protest, either oral or in writing. He has also said that the Resident Engineer generally forwards letters of protest to the Head Office but he did not forward to the Head Office any letter or protest against acceptance of the terms of settlement or award arrived at between the company and any other branch against acceptance by the workers of Belgaum. On re-examination by Shri Gagrati, Shri Shah said that such letters of protest by the union or the workmen are important letters. By saying that he meant that the Resident Engineer could not have kept back from the Head Office any letter like a letter of protest against a settlement sent by the Labour Union.

66. It is thus to be seen, that nothing important was elicited by Shri Apte from Shri M. M. Shah on cross-examination.

67. A careful consideration of the statement made by Shri Shah in his affidavit leaves no room for doubt in my mind that the Amalgamated Electricity Supply Co. Ltd., is not a prosperous concern. It is not in a financial position to bear a greater burden than it is already bearing.

68. It is well recognised that the pay scales and dearness allowance of a company must be drawn up on the basis of those of comparable concerns. In other words, the basis must be region-cum-industry basis. The unions have made a serious effort to compare this company with various other companies. Shri Dudhia, who has appeared on behalf of the Bhiwandi (Maharashtra), Dohad (Gujarat) and Bulsar (Gujarat) unions has filed Ext. DW 3. In this exhibit, he has compared the grades demanded and prevailing in Bhiwandi branch of this company with those of other undertakings of the same type. The other companies which he has taken into consideration are Thana Electric Supply Co., Bombay Suburban Electric Supply Co., B.E.S.T., Gujarat Electricity Board, Surat Electricity Company and Ahmedabad Electricity Co. Ltd. After a consideration of the details of all these companies, it seems to me that none of the other companies which Shri Dudhia has taken up for comparison in this exhibit is comparable with Amalgamated Electricity Co. Ltd., Besides, it is not correct to compare one branch of this company with other companies in their entirety. It is quite obvious from the annexures to the written statement filed by the management that they have taken great pains every time that there was an increase in the emoluments of the employees of one branch as a result of its agitation, to apply that increase by means of circulars to all the other branches in order to keep the service conditions and emoluments of all the employees employed in all its branches on an equal footing.

69. Ext. DW 5 is a statement showing the maximum and minimum emoluments of different categories of workmen in the Amalgamated Electricity Co. Ltd., and some other Electrical Undertakings. I do not think that this exhibit is of any importance so long as it cannot be shown that the other undertaking referred to in this exhibit are concerns comparable with the Amalgamated Electricity Co. In my opinion, none of the companies which has been sought to be compared with the Amalgamated Electricity Co. Ltd., is comparable with it.

70. Shri Sowani, who has appeared on behalf of the unions of Chalisgaon, Bhusawal, Malegaon and Jalgaon, has filed exhibit SW 1 which is a chart in which the maximum and minimum emoluments of different categories of workmen of the Amalgamated Electricity Co. Ltd., have been compared with those of Thana Electric Supply and Bombay Suburban Electric Supply Co., in the absence of anything to show that the three companies are comparable concerns, I do not think that this exhibit is of any importance.

71. Shri Sowani has also filed exhibits SW 2 and SW 2 (a) in which some figures like paid-up capital, reserves etc., of Amalgamated Electricity Co., have been compared with those of Thana Electricity Supply Co., and Bombay Suburban Electric Supply Co. Ltd. The difficulty in accepting these exhibits is that the compulsory reserves etc., as required by the VIth Schedule of the Electricity (Supply) Act, 1948 and what have been called free reserves have not been taken into consideration in them.

72. At one stage of the hearing of the case, I suggested that parties may prepare and give me a statement after merging 75 per cent of the dearness allowance into the basic pay. The statement which Shri Sowani has prepared on the basis of my suggestion is Ext. SW 7. This shows that the financial load which will be placed upon the company if the suggestion to merge 75 per cent of the dearness allowance in the basic pay is accepted will be much too great. It cannot, therefore, be accepted.

73. Previously, there was a good deal of controversy as to whether the Consumer Price Index number of All India or Bombay should be adopted for the purposes of this case. All the parties with the exception of Shri Dudhia agreed ultimately that the Consumer Price Index Number which should be made the basis in this case should be the All India Consumer Price Index Number (1949—100).

74. In Ext. AW 7 and AW 8, Shri Apte has given the existing grades of pay scales in Thana Electricity Co. Ltd., and Bombay Suburban. I am unable to attach any importance to these exhibits in the absence of materials which could lead me to come to the conclusion that those companies are comparable concerns with the Amalgamated Electricity Co. Ltd.

75. I propose now to consider the exhibits filed on behalf of the management but I wish to mention at this stage that there seems to be no justification for the claim of the Bhiwandi union that dearness allowance should be allowed at the Textile rates. Shri Gagrati has filed Ext. M 11 in which he has shown the statement of reserves of different companies for the year 1965-66. I give the figures of reserves in separate sheets attached herewith of Amalgamated Electricity Co., Thana Electric Supply Co., and Bombay Suburban Electric Co., extracted from Ext. M 11.

Statement of Reserves for the year 1965-66

Particulars	Amalgamated Electricity	Thana Electric Supply	Bombay Suburban Electric Supply
Gross Reserves as per Balance Sheet	96,47,832		
Development Rebate Reserve (Pertaining to K.E.)	4,05,610	92,42,222	25,64,937
			95,17,273
Dividend Reserve (Liability as per Footnote in B/Sheet)	14,61,926	39,96,178	..
			18,53,698
Taxation Reserve	12,00,000		
Employees Retiring Gratuity Reserve	13,34,242		
			18,53,698
<i>Statutory Reserves under Supply Act:</i>	52,46,054	25,64,937	2,76,63,575
Contingency Reserve	5,99,792	2,27,338	28,27,880
Consumers Service Line	35,69,373	13,17,415	1,25,04,304
Development Reserve	7,85,004	4,58,293	63,02,352
Tariff & Dividend Control Reserve	60,804	50,14,973	20,03,046
			4,75,780
			2,21,10,316
	2,31,081	5,61,891	55,53,259

NOTES :—(1) The item of Development Rebate (Khandesh Extraction Dept.) not pertaining to Electricity business of the Company is deleted from Gross Reserves.

(2) *Dividend, Taxation & Employees Retiring Gratuity Reserves*:—These are provisions against the liabilities shown in Notes on the Balance Sheet at Page No. 10 for the year 1965-66. Gratuity provision is a statutory one as per the scheme approved by the Government.

(3) *Statutory Reserves*:—These Reserves are required to be created as per Provisions of Sixth Schedule to the Electricity (Supply) Act, 1948. The same are required to be handed over to the Purchaser of the Electrical Undertaking at the time of purchase as per the said Act.

75. Ext. Mr2 is a similar statement on reserves for the year 1966-67. The particulars of the three companies mentioned above for that year are given below :—

Particulars	Amalgamated Electricity		Thana Electric Supply		Bombay Suburban Electric Supply	
Gross Reserve as per Balance Sheet	1,03,30,479			38,14,138		3,30,56,108
Development Rebate Reserve (Pertaining to Khandesh)	<u>4,45,127</u>	98,85,352				
Dividend Reserve (Liability as per footnote in B/Sheet)	15,04,730		1,94,672		18,53,701	
Taxation Reserve	6,29,766		Not included in Gross Fig.			
Employees' Retiring Gratuity Reserve	<u>14,64,046</u>	<u>35,98,542</u>	<u>Do.</u>	<u>1,94,672</u>	<u>19,42,233</u>	<u>37,85,934</u>
		62,86,810		36,19,466		2,92,60,174
<i>Statutory Reserves under Supply Act :</i>						
Contingency Reserve	6,13,018		2,68,223		28,27,880	
Consumers Service Line	40,52,359		17,88,161		1,48,23,404	
Development Reserve	9,60,446		9,14,500		63,02,352	
T. & D. C. Reserve.		56,25,823		29,70,884	4,75,780	2,44,29,416
			6,60,987	6,48,582		48,30,758

NOTES—(1) The item of Development Rebate (Khandesh Extraction Dept.) not pertaining to Electricity business of the Company is deleted from Gross Reserves.

(2) *Dividend, Taxation and Employees Retiring Gratuity Reserves:*—These are provisions against the liabilities shown in Notes on the Balance Sheet at Page No. 12 for the year 1966-67. Gratuity provision is a statutory one as per the scheme approved by the Government.

(3) *Statutory Reserves:*—These Reserves are required to be created as per Provisions of Sixth Schedule to the Electricity (Supply) Act, 1948. The same are required to be handed over to the Purchaser of the Electrical Undertaking at the time of purchase as per the said Act.

76. Ext. M13 is a statement on reserves for the year 1967-68. The particulars of the three companies mentioned above for the year are as follows :—

Particulars :	Amalgamated Electricity	Thana Electric Supply Co.	Bombay Suburban Electric Supply
Gross Reserves as per Balance Sheet	1,05,02,744	51,13,303	3,82,51,215
Development Rebate Reserve (Pertaining to K.E.)	4,54,067	1,00,48,677	..
Dividend Reserve (Liability as per footnote of B/Sheet)	15,06,830		21,67,003
Taxation Reserve	1,85,092		
Employees Retiring Gratuity	15,98,700	32,90,622	21,67,003
		67,58,055	
		(51,13,303	3,60,84,212
<i>Statutory Reserves under (S) Act :</i>			
Contingencies Reserve	6,09,964	3,24,507	31,50,033
Consumers Service Line	44,83,551	21,74,569	1,74,45,921
Development Reserve	9,96,338	12,42,375	1,71,36,750
T. & D. Control Reserve	70,106	76,556	6,93,834
		61,59,959	38,18,007
		5,98,096	12,95,296
			2,84,26,538
			76,57,674

- NOTES:—(1) The item of Development Rebate (Khandesh Extraction Dept.) not pertaining to Electricity business of the company is deleted from Gross Reserves.
- (2) *Dividend, Taxation and Employees Retiring Gratuity Reserves:*—These are provisions against the liabilities shown in Notes on the Balance Sheet at Page No. 10 for the year 1967-68. Gratuity provision is a statutory one as per the scheme approved by the Government.
- (3) *Statutory Reserves:*—These Reserves are required to be created as per Provisions of Sixth Schedule to the Electricity (Supply) Act, 1948. The same are required to be handed over to the Purchaser of the Electrical Undertaking at the time of purchase as per the said Act.

78. The above figures show that the net free reserves of the Amalgamated Electricity Co. Ltd., have been deteriorating from year to year in comparison with the other two companies.

79. In Ext. M15, the management has shown the estimated liabilities on account of subsequent events as on 31st March, 1969 and thereafter to be a total sum of Rs. 87,09,977. In annexures 'A', 'C', 'D' and 'E' to Ext. M15, the management has shown the increase in gratuity liability on account of merger of the balance amount of Additional Dearness Allowance with the basic salary from 1st July, 1969 to be a total sum of Rs. 90,586, the estimated minimum liability on account of closure of power houses in view of supply of electricity from the Boards in different States as from the December 1969 to be a total sum of Rs. 3,69,411, estimated loss on the obsolete generating sets and its spare parts to be a total sum of Rs. 52,60,119 and the contingent liability worked out on the basis of the present salary for three months on account of retrenchment compensation on account of compulsory purchase in cases of Licensees expiring on 30th September, 1973 to be Rs. 12,33,729. These are only estimated liabilities and I am not prepared to attach much importance to them.

80. In Ext. M16, the management has shown the figures of surplus in each financial year for several years. I give below the figures of surplus as given in this exhibit with effect from 1964-65 to 1967-68 :—

Year	Amount
1964-65	16,564
1965-66	1,26,973
1966-67	1,49,003
1967-68	68,664

Inclusive of Rs. 39,975/- and Rs. 45,601/- withdrawn from T. & D. Control Reserve and consumers' Benefit respectively to make up the short fall in the permissible Reasonable.

* Return.

81. In Ex. M.17 and M.18 the management has given the general summary of financial working of each of the branches under the Sixth Schedule to the Electricity (Supply) Act, 1948 for the accounting years 1967-68 and 1968-69 which is given below in the following sheets:—

EXT M 17

Particulars	Ajmer	Belgaum	Bhiwandi	Bulsar	Bhusawal	Chalisgaon	Dohad	Jalgaon	Malegaon
Capital Base	54,25,219	32,77,332	28,68,291	16,44,984	7,32,405	20,00,831	9,30,341	41,77,191	36,33,666
Reasonable Return	3,80,047	2,30,273	2,11,090	1,17,850	52,558	1,45,999	65,350	2,99,158	2,54,913
Income	47,58,228	26,85,034	56,07,497	14,49,003	8,86,265	9,82,821	7,37,158	28,89,375	32,14,567
Expenditure	41,06,051	19,52,380	53,64,974	12,07,212	7,90,212	8,93,463	6,22,040	24,66,095	30,07,044
	*Provision for fuel surcharge to the extent of Rs. 1,92,292/- not made due to short fall in clear profit.				*Depreciation on Fixed Assets amounting to Rs. 1,16,772 not charged over & above Rs. 1,28,963/- of last year.			*Depreciation on Fixed Assets amounting to Rs. 2,70,356 not charged over & above Rs. 1,76,075/- of last year.	
(A) Balance	6,52,177	7,32,654	2,42,523	2,41,791	96,053	89,358	1,15,118	4,23,280	2,07,523
(B) Special Appropriations:—									
(a) Income Tax	2,40,235	3,06,414	53,464	1,03,168	39,298 *Provided less by Rs. 9,870/- due to shortfall in C.P.	..	46,274	1,04,979 *Provided less by Rs. 49,792/- due to shortfall in C.P.	..
(b) Intangible Asset Written Off	2,026	14,707	4,771	4,047	79	612	36	2,276	2,071
(c) Contingency Reserve	24,907	31,011	13,173	7,029	3,802		3,679	16,828	
						*Liability of Rs. 6,943/- not provided			*Liability of Rs. 19,879/- not provided
(d) Contribution towards arrears of Depreciation	4,962	..	..	..	316	..	..	39	..

Particulars	Ajmer	Belgaum	Bhiwandi	Bulsar	Bhusawal	Chalisgaon]	Dhohad	Jalgaon	Malegaon
(e) Development Reserve (Total arrears amounting to Rs. 8,46,337/- not provided as per note in Balance Sheet . . . .	..	35,892	..	..	..	..	..	..	..
(f) Retrenchment Compensation Reserve . . . .	..	69,888	..	₹ 9,697	..	..	..	..	..
Total of (B)	2,72,130	4,57,912	71,408	1,23,941	43,495	612	49,989	1,24,122	2,071
Balance (A)—(b)	3,80,047	2,74,742	1,71,115	1,17,850	52,558	88,746	65,129	2,99,158	2,05,452
Less : Expenditure not considered as indicated above.	1,92,292				9,870	1,23,715		49,792	2,90,235
Clear Profit Surplus	1,87,755	2,74,742	1,71,115	1,17,850	42,688	—34,969	65,129	2,49,366	—84,783
(Clear Profit—Reasonable Return) . . . .	..	44,469	..	..	..	..	..	..	..
Deficit . . . .	..							
(Reasonable Return—Clear Profit)	1,92,292	..	39,975	..	9,870	1,80,968	221	49,792	3,39,696
Tariff & Div. Con. Reserve . . . .	..	16,478	..	..	..	..	..	..	..
			(Rs. 39,975 withdrawn from T. & D. Reserve)						
Consumers' Benefit . . . .	..	16,478	..	..	..	..	..	..	..
									(Rs. 45,601 withdrawn from Consumers' benefit).

Capital Base	54,15,054	32,55,344	33,51,646	16,68,107	7,25,161	19,95,569	9,55,088	37,90,876	43,03,146
Reasonable Return	3,79,335	2,29,078	2,36,321	1,17,482	50,997	1,39,726	67,083	12,66,011	3,01,776
Income	50,71,948	29,90,850	67,50,755	15,98,107	9,36,669	11,11,003	8,64,618	30,59,189	38,57,243
Expenditure	43,37,021	22,52,137	63,57,927	13,26,719	8,54,147	9,79,069	7,46,891	27,07,591	35,77,543
Provision for fuel surcharge to the extent of Rs. 2,53,368/- not made due to short fall in Clear Profit.									
(A) Balance	7,34,927	7,38,713	3,99,828	2,71,388	84,522	1,31,934	1,17,727	3,51,598	2,79,700
(B) Special Appropriations:									
(a) Income-Tax	3,22,392	3,17,513	77,331	1,14,007	27,189 Provided less by Rs. 17,818/- due to Short Fall in Clear Profit.	..	44,934 Provided less by Rs. 11,120/- due to short fall in Clear Profit.	68,383 Provided less by Rs. 99,673 due to short fall in Clear Profit.	..
(b) Intangible Assets, written off	2,027	14,707	4,771	4,047	79	612	36	..	2,071
(c) Contingencies Reserve	26,211	33,379	14,916	15,005	3,941	7,282	3,862	17,165	21,621
(d) Contribution towards arrears of Depreciation	4,962	..	..	..	316	..	..	39	..
(e) Development Reserve . . . . .	..	71,605	27,173	27,320	..	..	..	..	..
(f) Special Appropriations . . . . .	..	27,217	..	6,202	..	..	1,812	..	..
Total of (B)	3,55,592	4,64,421	1,24,191	1,66,581	31,525	7,894	50,644	85,587	23,692
Balance (A)—(B)	3,79,335	2,74,292	2,75,637	1,04,807	50,997	1,24,040	67,083	2,66,011	2,56,008

Particulars]	Ajmer	Belgaum	Bhiwandi	Bulsar	Bhusawal	Chalisgaon	Dohad	Jalgaon	Malegaon
Less : Expenditure not considered as indicated above	2,53,368	..	..	..	17,818	..	11,120	99,673	..
Clear Profit. . . .	1,25,967	2,74,292	2,75,637	1,04,807	33,179	1,24,040	55,963	1,66,338	2,56,008
Surplus (Clear Profit—Reasonable Return)	45,214	39,316	..	..	..	..	..	..	..
Deficit. (Reasonable Return—Clear Profit). . . .	2,53,368	..	..	12,675	17,818	15,686	11,120	99,673	45,768
Tariff & Dividend Control Reserve. . . .	..	16,880	13,750	..	..	..	..	..	..
				(Rs. 12675/- withdrawn from T & D Control Reserve).					
Consumers' Benefit . . . .	..	16,880	13,750	..	..	..	..	..	..

The above statements show that, in most of the branches there was short-fall in the reasonable return in the years 1967-68 and 1968-1969.

82. Ext. M19 is a notice issued by the Rajasthan Electricity Board whereby it increased the price of supply of electricity in so far as the company is concerned. Ext. M20 is a similar notification, increasing the grid tariff in Gujrat. It has been argued on behalf of the management that in spite of increase of price by the Boards, the company has not been able to increase its price in so far as its consumers are concerned.

83. Ext. M21 gives a comparative statement on reduction in rates of charges for electrical energy in different branches. This is quoted in separate-sheet attached herewith.

84. The statement shows considerable reduction in the price of electrical energy as charged by the company, causing further depletion of its finance.

85. Ext. M23 is a comparative statement showing percentage of revenue on purchase costs for the years 1966-67, 1967-68 and 1968-69 in connection with five companies namely Amalgamated Electricity Supply Co. Ltd., Thana Electric Supply Co. Ltd., Bombay Suburban Electric Supply Co. Ltd., Ahmedabad Electric Supply Co. Ltd., and Surat Electric Supply Co. Ltd. It may be mentioned that, so far as the Amalgamated Electricity Supply Co. is concerned, the purchase cost and revenue in respect of Bhiwandi branch only has been shown. I attach herewith a copy of the whole chart in separate sheets. This shows that the percentage of revenue to purchase cost in each of the above three years in Bhiwandi branch of this company has consistently been lower, resulting in lesser income.

Particulars	1966-67			1967-68			1968-69		
	Purchase Cost	Revenue (Gross)	% of Revenue on P. Cost	Purchase Cost	Revenue (Gross)	% of Revenue on Purchase Cost	Purchase Cost	Revenue (Gross)	% of Revenue on Purchase Cost
Amalgamated Elec. Co. Ltd., (Bhiwandi)	37,08,295	46,97,063	26%	46,67,274	56,07,497	20%	55,10,107	67,44,979	22%
Thana Elec. Supply Co. Ltd.	33,59,151	68,08,972	102%	42,42,449	83,94,808	98%	49,10,302	96,94,913	97%
Bombay Suburban Electric Supply Co. Ltd.	2,16,65,955	4,27,37,701	97%	2,74,74,846	5,12,67,152	86%	3,08,50,993	5,76,48,153	87%
Ahmedabad Elec. Supply Co. Ltd.	4,34,05,409	9,61,95,075	121%	5,52,72,007	10,57,42,946	91%	5,62,04,321	10,82,99,042	92%
Surat Electricity Co. Ltd.	85,49,223	1,60,79,262	90%	90,83,016	1,74,60,139	92%	1,14,95,450	2,05,18,261	80%

86. Ext. M23(a) is a comparative statement showing percentage of revenue realised over the cost of purchase as well as generation for the years 1967-68 and 1968-69. I quote this statement which is as follows:—

Particulars (Years)	Purchase of Energy and Generation Cost Rs.	Revenue Realised (Gross) Rs.	%age
1967-68	1,44,94,891	2,32,27,045	60%
1968-69	1,60,62,256	2,63,06,144	63%

87. This statement shows that, even if the cost of purchase of electrical energy as well as the cost of generation are taken into consideration, the percentage of revenue realised is rather low.

88. Exts. M24 and M25 are statements showing comparative figures of different items of several companies in respect of the years 1965-66 to 1968-69. It is unnecessary to reproduce the whole chart but I may mention that, as per the details given in this exhibit, the percentage of gross profits the percentage of reserves to fixed assets and percentage of reserve to share capital of this company are the lowest as compared with the other companies. It also shows that the percentage of salary to fixed assets and percentage of salary to gross revenue of this company are generally higher than those of the other companies. In these circumstances, it is clear that the company in question is not in a position to compare financially with the other companies.

89. Ext. M26 shows how the reserves have been allocated to different items of statutory reserves under the Electricity (Supply) Act and other reserves in the year 1968-69 and the total amount left as the net available reserves. The total amount left to the different companies are shown to be as follows:—

Particulars	Net available reserves
Amalgamated Electricity Co. Ltd.	4,19,953
Thana Electric Supply Company	12,00,473
Bombay Suburban Electric Supply	81,86,993
Surat Electricity Company Limited	27,94,478
Ahmedabad Electricity Company Limited	62,37,836

90. Thus, this exhibit shows that the net available reserves of this company are the lowest in comparison with the other companies with which it has been compared by the parties.

91. Ext. M27 shows the increase in the number of consumers in the different branches of the company during the years 1965-66, 1966-67, 1967-68 and 1968-69. Ext. M28 is a comparative statement showing the number of consumers, annual increase in numbers and percentage of increase in the number of consumer in so far as several companies are concerned in respect of the four years mentioned above. I give the figures in separate sheets attached herewith.

Branches	Consumers as on 31-3-1965			Consumers connected during 1965-66			Total consumers
	M. P.	HTG.	LTG.	M. P.	Htg.	Ltg.	
Ajmer	512	343	18107	8	15	916	19901
Belgaum	701	18962 663	12893	135	939 81	2409	16882
Bhiwandi	2614	15257 166	8001	202	1625 98	430	11451
Bulsar	479	10781 169	7273	146	670 —12	261	8316
Bhusawal	136	7921 18	7087	13	395 1	337	7592
Chalisgaon	214	7241 3	3373	18	351 ..	108	3716
Dohad	174	3590 27	4889	5	126 4	138	5237
Jalgaon	817	5090 52	11710	40	147 3	743	13365
Malegaon	1237	12579 28	11110	176	786 67	151	12769
		12375			394		
Total Consumers		93796			5433		99229

Branches	Consumers connected during 1966-67			Total consumers	Consumers connected during 1967-68			Total consumers
	M. P.	Htg.	Ltg.		M. P.	Ht.	Ltg.	
Ajmer	77	83	577	20638	73	92	430	21233
Belgaum	185	737 213	1370	18650	90	595 —8	946	19678
Bhiwandi	329	1768 8	399	12187	176	1028 —3	842	13202
Bulsar	116	736 20	313	8765	19	1015 31	268	9083
Bhusawal	28	449 6	332	7958	16	318 —2	233	8205
Chalisgaon	9	366 ..	127	3852	19	247 ..	157	4028
Dohad	13	136 4	102	5356	23	176 2	105	5486
Jalgaon	199	119 2	497	14063	176	130 6	515	14660
Malegaon	6	698 27	499	13301	20	597 52	—163	13210
		532				—91		
Total Consumers		5541		104770		4015		108785

Branches	Consumers connected during 1968-69			Total consumers
	M.P.	Htg.	Ltg.	
Aimer	151	178	635	22197
Belgaum	14	964 41	562	20203
Bhiwandi	228	525 19	651	14100
Bulsar	57	896 8	363	9511
Bhusawal	17	426 3	281	8506
Chalisgaon	35	301 5	98	4166
Dohad	18	138 ..	172	5676
Jalgaon	067	190 8	464	15199
Malegaon	134	539 65	557	13966
		756		
Total Consumers		4739		113524

Name of the Company	1965-1966			1966-1967			1967-1968			1968-1969		
	Number of consumers	Connected during the year	Increase %	Number of consumers	Connected during the year	Increase %	Number of consumers	Connected during the year	Increase %	Number of consumers	Connected during the year	Increase
The Thana Electric Supply Co.	14,535	3,446	23.7	17,981	4,633	25.7	22,614	4,953	21.9	27,567	5,401	19.6
Bombay Suburban Electric Supply Co. Ltd.	1,58,411	15,423	9.7	1,73,834	21,117	12.2	1,94,951	23,009	11.9	2,16,129	23,948	11.1
Amalgamated Electricity Co.	93,796	5,433	5.8	99,229	5,541	5.6	1,04,770	4,015	3.8	1,08,785	4,739	4.4
Surat Electricity Co. Ltd.	38,729	2,522	6.5	41,251	3,345	8.1	44,596	3,063	6.9	47,659	3,093	6.5
Ahmedabad Electricity Co. Ltd.	1,28,614	10,664	8.3	1,39,278	11,530	8.3	1,50,807	15,215	10.1	1,66,022	10,340	6.2

NOTE : Figures are taken from the Respective Coy's Balance Sheets.

92. The increase as shown in these exhibits in so far as this company is concerned is rather low. The learned counsel for the unions themselves said that the reason for the increase in the consumers of this company being low was that the areas held by the Amalgamated Electricity Co., under its licences were not very industrialised areas. That being so, it is obvious that this company is in an extremely disadvantageous position as compared with Thana Electric Supply Co. Ltd.; Bombay Suburban Electric Supply Co. Ltd., and companies outside Maharashtra like Ahmedabad Electricity Supply Co., and Surat Electricity Supply Co., which cover very busy industrialised areas.

93. In Ext. M 29, the management has given the pay scales of electricity boards of different states. Ext. M 30 gives scales of pay as prepared by the management on the basis of my suggestion to prepare pay scales on the footing that 75 per cent of the dearness allowance was to be merged in the basic pay. Even these scales as prepared by the management in this exhibit show that they go very high and I do not think that the company's financial position is such to enable it to bear the financial burden if the scales as suggested by me are introduced. Ext. M 31 gives the estimated increase in liability of the company in the matter of gratuity on the basis of merger as suggested by me. This also shows the increase in the burden of the company to be high.

94. I have considered all the materials placed before me and I have come to the conclusion that the Amalgamated Electricity Supply Co., cannot stand comparison with companies like Bombay Suburban Electric Supply Co. Ltd., and Thana Electric Supply Co. Ltd., nor even with Ahmedabad Electricity Supply Co. Ltd., or Surat Electricity Supply Co. Ltd. Apart from the fact that the company in question is in a disadvantageous position as compared with the other companies in respect of various matters mentioned above, the very fact that each of those other companies covers a highly industrialised area in one neighbourhood, while the Amalgamated Electricity Co., covers nine different areas which are widely spread and not so industrialised puts this company to a much greater cost in operating the electric supply and to other serious disadvantages.

95. I agree with Shri Gagrat when he has stated while referring to the Amalgamated Electricity Co., and the other companies as follows:—

- (1) the other companies cater to highly industrialised areas which are fully developed;
- (2) the other companies have single licences while the Amalgamated Electricity Co., has nine licences so that the latter's over-heads are greater. Taking for instances only one point, the other companies have one resident engineer each whereas the Amalgamated Electricity Co., has nine resident engineers at the head of all the nine branches.
- (3) the rates of the other companies are generally higher than those of the Amalgamated Electricity Supply Co. Ltd.
- (4) The capital base of the Amalgamated Electricity Co., is more widely spread. If each of the other companies has a capital of 90 lakhs, the entire amount is invested in one place. On the other hand, if the capital of the Amalgamated Company is one crore, the amount is spread over nine branches at the rate of a little over 11 lakhs at each branch.
- (5) In taking connection from one place to another, the Amalgamated Company has to lay the lines for various distances in order to enable it to reach from one point to another.

96. There are certain factors which make the Amalgamated Electricity Co., more comparable with the Maharashtra State Electricity Board because both have to develop new places for supply of Electricity and both have numbers of different local areas in which they have to operate. There is, however, one feature which puts the Maharashtra State Electricity Board in a category quite different from that of the Amalgamated Electricity Co. Ltd., i.e. that the Maharashtra State Electricity Board has very much bigger capital, very much greater resources and very much greater powers than the Amalgamated Electricity Co. It is obvious, therefore, that no concern has been brought to my notice which can be held to be a concern comparable with the Amalgamated Electricity Supply Co.

97. In the matter of scales of pay and dearness allowance, the Amalgamated Electricity Co., has been rather progressive in the last few years.

98. The pay and dearness allowance of the employees of Amalgamated Electricity Co., as it existed on 1st April, 1965, were as follows:—

Basic	D.A.	Additional D.A.	Regularity Allowance.	Total.
20	60	8	10	98
40	60	16	10	126
50	60	20	15	145
70	60	28	15	173
90	60	36	15	201
100	60	40	20	220
120	60	45	20	245
150	60	52.50	25	257.50
170	60	57.50	25	312.57
200	60	65.00	30	355.50

99. The scales of Regularity Allowance were as follows:—

Basic Pay	R. A.
Rs. 1/- to Rs. 49/-	10 P.M.
Rs. 50/- to Rs. 99/-	15 "
Rs. 100/- to Rs. 149/-	20 "
Rs. 150/- to Rs. 199/-	25 "
Rs 200/- and above	30 "

100. The scales of Additional Dearness Allowance were as follows:—

- " On 1st 100—40%
 On next 100— 25%
 On the balance above 200—15% "

101. I need not mention the effect of the Rajasthan award which was made in a dispute raised by the Ajmer branch because that award came into effect from the 1st April, 1966 while higher and better emoluments became payable to the employees under the Award of Shri F. H. Lalla as Presiding Officer of an Industrial Tribunal at Bombay in reference No. 263 of 1965 which came into effect from the 1st December, 1965. I may mention that, before that award came into effect, the dearness allowance was Rs. 60/-. Shri Lalla directed merger of 50 per cent of the dearness allowance in the basic pay. As a result of his award, the emoluments of the employees with effect from 1st December, 1965 came to be as follows:—

Original basic.	Revised basic	D.A.	A.D.A	R.A.	Total
20	50	30	20	15	115
40	79	30	28	15	143
50	80	30	32	15	157
70	100	30	40	20	190
90	120	30	45	20	215
100	130	30	47.50	20	227.50
120	150	30	52.50	25	257.50
150	180	30	60	25	295.00
170	200	30	65	30	325.00
200	230	34.50	69.50	30	364.00

"From October, 1966, the minimum D.A. was increased to Rs. 35/-, giving benefit of Rs. 5/- to all employees."

102. The unions of Malegaon, Chalisgaon, Bhusawal and Jalgaon raised a dispute and gave strike notice to the management. This dispute was settled by an agreement dated the 31st March, 1967 which is Ext. M 38. This is an important award, the emoluments agreement and I quote it below:—

"Memorandum of Settlement"

In continuation of the settlement dated 29th October, 1966 before Shri P. S. Nerurkar and with reference to Strike Notice dated 15th March, 1967 and 28th March, 1967, the parties have arrived at the following settlement.

1. *Wages Scale*.—Revised wages and D.A. as agreed in clause 5 of the agreement dated 29th October, 1966 shall be as per the award published in Maharashtra Government Gazette Part I-L of 1st December, 1966 given by the learned arbitrator Shri Kalelkar which has been particularly shown in Schedule attached.

The revised R.A. would be as under:—

(a) Basic pay of	Rs.	1	to	49	Nil.
"	Rs.	50	to	79	Rs. 5/-
"	Rs.	80	to	129	Rs. 10/-
"	Rs.	130	to	179	Rs. 15/-
"	Rs.	180	to	229	Rs. 20/-
"	Rs.	230	onwards		Rs. 25/-

It is further agreed that the above R.A. scale would be brought down as under in future:

(b) Basic pay of	Rs.	1	to	79	Nil.
"	Rs.	80	to	179	Rs. 5/-
"	Rs.	180	and onwards		Rs. 10/-

The difference of the above two R.A. scales in (a) and (b) above shall be merged in the Basic Salary in two instalments and the 1st instalment shall be of Rs. 5/- which will be merged in basic salary on 1st July 1967 and the 2nd instalment of remaining difference shall be merged in Basic Salary on 1st of July 1968.

2. *Basic Wages*.—The Basic wages as it stands to-day of the Employees of M/s. The Amalgamated Electricity Co. Ltd., of aforesaid four Branches will be compared with Basic wages fixed by the award dated 1st December, 1966 of Shri Kalelkar in M.S.E.B. If basic wages fall short than what is given in the award for the employees of the M.S.E.B., the Company shall pay the difference between the two. If Basic wage is more than the same will be continued unaltered.

3. *Dearness Allowance*.—The D.A. fixed in M.S.E.B. will be compared with the emolument which the employees are getting by way of D.A. and A.D.A. and Rs. 10/- from existing R.A. Scale.

If the D.A. payable by the company according to the above method comes more than what is paid by the M.S.E.B. then additional amount of D.A. will be shown in separate column as extra D.A. and Company shall merge this extra amount of D.A. in Basic Salary in future years before the expiry of License period of each License by equal annual instalment. If the amount of difference is less than Rs. 5/- it will be merged in 1st instalment only. The 1st instalment will be merged on 1st July 1967 and thereafter annually on 1st of July each year.

The D.A. as fixed by the Kalelkar award applicable from 1st January, 1967 would be as under:—

Basic Pay				Dearness Allowance	
				Rs. per month.	
Rs.	1/-	to	50/-	70/-	
Rs.	51/-	to	100/-	75	
Rs.	101/-	to	150/-	80	
Rs.	151/-	to	200/-	85	
Rs.	201/-	to	400/-	90	
Rs.	401/-	and	onwards	95	

These will be the rates of dearness allowance at the All India Workers Consumers Price Index Standing at 165 in January, 1965. The dearness allowance will be adjusted to the further rise or fall in the All India Consumers Price Index as follows:—

For every average rise or fall of 10 points or more in a Calendar Year (January to December) the dearness allowance for every employee of our four branches shall be increased or decreased by Rs. 6/- per month from 1st April of the succeeding year and for every point of rise or fall over 10 points, during the same period there shall be a rise or fall of 60 paise per point. For this purpose the figures of all India Working Class Consumer Price Index published in the Indian Labour Journal published by the Labour Bureau of the Central Government, shall be taken as authoritative. And if the M.S.E.B. pays any further rise in D.A. or Pay Scale due to the amendment in Kalelkar award, the same shall be made applicable to the employees of the Company in four branches namely, Jalgaon, Malegaon, Chalisgaon and Bhusawal.

House Rent Allowance.—Similarly, the House Rent Allowance shall also be payable as per Board's Scale in respect of that Branch in which the same is paid by M.S.E.B. at their works out of the four branches. If there is no House Rent Allowance in any of the four works of M.S.E.B. the present Circular of the Company in connection of the House Rent Allowance shall remain in force.

4. After fixation of wage Scales, those employees who have reached efficiency Bar may also be given basic increments voluntarily as given to them usually by the Company except in cases who are not deserving. This Voluntarily increment shall not form the part of the Service conditions.

5. As regards classification, the company has done the same and has notified and however the individual deserving cases shall be reviewed again on representation by Union or individually.

The matter may be referred to Dy. Labour Commissioner or be referred to Court under Sec. 10(2) of the Industrial Disputes Act.

Union agrees to withdraw the strike notice dated 15th March 1967 and 28th March 1967.

All other demands, raised till today are either settled or stands withdrawn and no dispute is pending.

This agreement shall remain in force for three years from 29th October 1966 during the pendency of this agreement Union will not go on strike and Company shall not declare lock out.

JALGAON:

Dated 31st March, 1967*

103. Thereafter, the management gave a notice to the employees under Sec. 9A of the Industrial Disputes Act on the 6th April, 1967 and, while mainly adopting the terms which it agreed to on the 31st March, 1967 in its settlement with the unions of Malegaon, Chalisgaon, Jalgaon and Bhusawal, it made certain further changes in the service conditions of its employees. This is also an important documents and I quote it below *in extenso*:

"Sub: Revision in structure of D.A., A.D.A. & R.A.

In view of the request from staff of different branches and to increase the total emoluments by Rs. 12/- minimum per month it is proposed to revise from 1st May, 1967 for the salary of April, 1967 the existing D.A., A.D.A. & R.A. of our different stations and the same will be linked up with the All India Workers Consumers Price Index.

The proposed Dearness Allowance is as per Shri Kalelkar's Award given in Maharashtra State Electricity Board and the same has been made applicable in our four branches *viz.* Malegaon, Chalisgaon, Jalgaon and Bhusawal in the State of

Maharashtra. To have uniformity at our other branches, we have proposed the same for the remaining branches:

(a)		Basic Pay	Dearness Allowance
			Rs. per month.
Rs.	1	to 50	70/-
Rs.	51	to 100	75/-
Rs.	101	to 150	80/-
Rs.	151	to 200	85/-
Rs.	201	to 400	90/-
Rs.	401	and above	95/-

(b) The above rates of Dearness Allowance are at the All India Workers Consumers Price Index standing at 165 in January, 1965. The Dearness Allowance will be adjusted to the further rise or fall in All India Workers Consumers Price Index as follows:—

For every average rise or fall of 10 points or more in a Calendar Year (January to December) the dearness allowance for every employee of our four branches shall be increased or decreased by Rs. 6/- per month from 1st April of the succeeding year and for every point of rise or fall over 10 points, during the same period there shall be a rise or fall of 60 paise per point. For this purpose the figures of all India Working Class Consumer Price Index published in the Indian Labour Journal, published by the Labour Bureau of the Central Government, shall be taken as authoritative.

The average for the year January 1966 to December 1966 comes to 184.5 say 185. There is an increase of 20 points over the average of All India Workers Consumers Price Index of 1965 which was at 165.

Accordingly each employee will get Rs. 12/- per month more in Dearness Allowance with effect from April, 1967 salary which would be an increase in the total emoluments.

All the circulars issued prior to this on the subject of Dearness Allowance, Additional Dearness Allowance will be withdrawn with effect from 1st April, 1967 and the Dearness Allowance will be calculated as above on confirmation by the staff or the respective Unions of each branch.

The Dearness Allowance fixed as above will be compared with the present Dearness Allowance, Additional Dearness Allowance and Rs. 10/- taken out from the existing Regularity Allowance in each case. If the Dearness Allowance payable by the company according to the proposed method comes more than what is paid by the Company then the difference shall be made up by the Company. If the Dearness Allowance paid by the company is more than the proposed Dearness Allowance the said difference shall be shown separately in pay sheets as extra Dearness Allowance and the Company shall merge this extra amount of Dearness Allowance in Basic Salary in future years before the expiry of license period of each licensee by equal annual instalments commencing from 1st July, 1967. In case the aforesaid difference is less than Rs. 5/- it will be merged in the 1st instalment only i.e. on 1st July, 1967. The remaining instalments shall be merged annually on the 1st of July in each year. In case of Bombay Office the difference will be merged in 5 equal instalments commencing from 1st July 1967 and if the difference is less than Rs. 5/- it will be merged in the 1st instalment only.

As regards Regularity Allowance the present scales will be modified as under with effect from April, 1967 salary. From the chart given below you will find from Column 1 that Rs. 10/- have been taken out from each slab from the existing Regularity Allowance and the same will be merged in the existing Dearness Allowance.

It is further proposed to reduce the scale of Regularity Allowance by Rs. 5/- in each scale as shown in Col. II below with effect from 1st July, 1967 and merge it in basic salary.

Further on 1st July 1968 the Regularity Allowance will be brought down as shown in column III below and the difference between column II and Column III below will be merged in basic salary on 1st July 1968.

Basic pay				Existing	Regularity Allowance		
					I	II	III
						1-7-67	1-7-68
Rs.	1	to	Rs.	49	10	Nil.	Nil.
Rs.	50	to	Rs.	79	15	5	Nil.
Rs.	100	to	Rs.	129	20	10	5/-
Rs.	130	to	Rs.	179	25	15	10/-
Rs.	180	to	Rs.	229	30	20	
Rs.	230	and onwards		35	25	20	

The staff members and the concerned Unions should take notice of this circular and send in their confirmations within 21 days from the receipt of this circular. In absence of any reply it shall be presumed that the concerned workmen and Union have no objection in implementing the proposed—changes mentioned hereinabove."

104. The position, therefore, is that the service conditions of the employees of Amalgamated Electricity Co., are as laid down in the agreement (Ext. M38), improved to some extent by the notice under Sec. 9A which is attached to the affidavit of Shri M. M. Shah.

105. Shri Gagrath has laid great stress upon the fact that there are certain awards and settlements with the unions at some of the branches and that, since they have not yet been terminated, this Tribunal has no jurisdiction to make any change in the terms of the award and settlements. I have come to the conclusion for other reasons that very little change in the pay and dearness allowance scales of the employees of the company is called for and the company is not in a position to bear any greater financial burden but it seems to me that there is not much force in Shri Gagrath's arguments. The reason is that the agreement which the management arrived at with the unions at Malegaon, Chalisgaon, Jalgaon and Bhusawal (Ext. M38) was also modified by the management by its notice under section 9A of the Industrial Disputes Act. That notice now prevails as laying down the final service conditions of the company's employees. The previous settlements and awards have, therefore, lost their sanctity.

106. It has been shown in item No. IV in one of the annexures to the written statement that the break up of the total salary of the employees as on 1st April 1967 as a result of adoption of the Maharashtra State Electricity Board's scales of wages and dearness allowance (inter-linked with All India Consumers Price Index at the index of 165 in January, 1965) as a result of the agreement entered into with the union on the 31st March, 1967 was as follows:—

Basic	D.A. fixed	Linkage D. A.	Extra D.A.	R. A.	Total
50	75	19.20	..	5	149.20
70	75	19.20	..	5	169.20
80	75	19.20	..	10	184.00
100	75	19.20	5	10	209.20
120	80	19.20	5	10	234.20
130	80	19.20	2.50	15	246.70
150	80	19.20	12.50	15	276.70
180	85	19.20	10.00	20	309.20
200	85	19.20	20.00	20	344.20
230	90	19.20	24.00	25	388.20"

107. They have given dearness allowance and Regularity Allowance under the above chart as follows:—

D. A. Scales				R. A. Scales			
Re. 1	10	100	Rs. 75 P.M.	Re. 1	10	49	Rs. Nil.
Rs. 101	10	150	Rs. 80 P.M.	Rs. 50	10	79	Rs. 5 P.M.
Rs. 151	10	200	Rs. 85 P.M.	Rs. 80	10	129	Rs. 10 P.M.
Rs. 201	10	400	Rs. 90 P.M.	Rs. 130	10	179	Rs. 15 P.M.
Rs. 401	& above		Rs. 95 P.M.	Rs. 180	10	229	Rs. 20 P.M.
				Rs. 230	& above		Rs. 25 P.M.

108. The following chart attached to the written statement gives the progressive total pay packet of the employees of the company within two years i.e. from 1st April, 1965 to 1st April, 1967. It is as follows:—

I	II	III	VI
1-4-65	1-4-66	1-12-65	1-4-67
98	103	115	149.20
126	136	143	169.20
145	150	157	184.00
173	178	190	209.20
201	212.50	215	234.20
220	225.00	227.50	246.70
245	250.00	257.50	276.70
287.50	292.50	295.00	300.20
312.50	317.50	325.00	344.20
355.00	361.40	364.00	388.20

109. The chart which is also attached to the written statement gives the progressive movement of Dearness Allowance from January to November, 1967 due to linkage of the same with All India Working Class Consumers Price Index published by Labour Bureau, Simla. It is attached herewith in a separate sheet.

Basic	D.A.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
1 to 100 .	75	85·44	86·51	86·75	94·20	94·20	94·20	97·00	99·00	102·60	102·60	105
101 to 150 .	80	90·44	91·51	91·75	99·20	99·20	99·20	102·00	104·60	107·60	107·60	110
151 to 200 .	85	95·44	96·51	96·75	104·20	104·20	104·20	107·00	109·60	112·60	112·60	115
201 to 400 .	90	100·44	101·51	101·75	109·20	109·20	109·20	112·00	114·60	117·60	117·60	120
401 and onwards	95	105·44	106·51	106·75	114·20	114·20	114·20	117·00	119·60	122·60	122·60	125

110. It appears from Ext. M42 that total increase in the pay packet of employees upto 1st November 1967 has been to the following effect:—

“ Prior to introduction of M.S.E.B. Scales and Merger of 50% D.A. as at 1-4-65. Total pay packet after introduction of M.B. scales and linkage of half of the D.A. in basic salary as on 1-11-67

Basic pay	Total pay packet	
50	145	194.80
70	173	220.00
80	201	245.00
100	220	257.50
120	245	287.50
150	287.50	311.00
170	312.50	355.00
200	355.00	399.00”

111. In my opinion, the pay increase has been quite satisfactory, considering the financial position of the company. I can only find one fault. I do not agree with Shri Kalelkar nor do I agree with the management that the rise of 10 points in the All India Working Class Consumer Price Index should be compensated by addition of Rs. 6/- or the increase of one point should be compensated by 60 paise in the dearness allowance payable to the employees. In my opinion, the amount should be Rs. 1.00 per point and the increment should be given as soon as there is a rise of 4 points in the index number mentioned above. This is the only modification which I wish to make in the scales of dearness allowance as laid down by Shri Kalelkar. I entirely accept those scales of pay and dearness allowance as applied to the Amalgamated Electricity Co. subject to the additions and modifications made by the notice under Sec. 9A dated 6th April, 1967 given by the company to the employees and as further modified by me to this extent that rise of each point of All India Working Class Consumer Price Index will be compensated by increase of one rupee per month in the dearness allowance after there has been a rise in the points to the extent of four. These increments in the scale of dearness allowance will be calculated from the date on which the scales of the Maharashtra State Electricity Board have been applied to the Amalgamated Electricity Co., and part of the Dearness Allowance has been interlinked with All India Working Class Consumer Index at the index of 165 in January, 1965. The rise in points upto December, 1969 will be taken into consideration. For the rise of each point in the index, there will be an increase in the dearness allowance of Re. 1/- per month per point. This will be payable to the employees with effect from the 1st January, 1969. Thereafter there will be rise or fall in the dearness allowance at the rate of Re. 1/- per point after a rise or fall of four points in the All India Index figure.

112. It may be noted that the notice under section 9A keeps the additional dearness allowance and Regularity Allowance in force to a substantial extent in addition to the scales of pay and dearness allowance of the M.S.E.B. and provides for ultimate merger of these allowances in the basic pay. These provisions make the emoluments of the employees of the Amalgamated Electricity Co., better than those of the Maharashtra State Electricity Board and they will stand. I do not think that there should be merger of any further part of the dearness allowance after the merger affected under the award of Shri Lala.

House Rent Allowance

113. The House Rent Allowance as paid by the company to its employees is rather complicated. Wherever the Maharashtra State Electricity Board pays House Rent Allowance to its employees, the company also pays house rent allowance to its own employees at the same scales. The areas of several branches of the company, however, are not covered by the Maharashtra State Electricity Board. Some of the areas held by some branches of the company are outside the State of Maharashtra. I think that the house rent allowance should be uniform for all the branches and the head office inasmuch as the company has been at pains to apply uniform scales to its employees in all branches. The rules which I would lay down in this connection are:—

(1) No House Rent Allowance should be paid to any employee who lives in his own house or who does not pay house rent.

(2) All employees who live in rented houses will be paid house rent allowance to the extent of 10 per cent of his salary (basic) on proof that he pays as house rent the amount which he gets from the company as house rent allowance.

(3) Where employees have been getting higher amounts as house rent allowance on the basis of the house rent allowance paid by the Maharashtra State Electricity Board, they will be paid the extra amounts as personal house rent allowance.

(4) Payment of house rent as above will take effect from the 1st January, 1970.

Officiating Allowance

114. The company has introduced rules relating to payment of officiating allowance with effect from the 1st July, 1967. They have been embodied in the written statement and have been marked Annexure 'H'. I find the rules to be quite fair and none of the unions has placed any argument for making any change in these rules. I, therefore, accept the rules given in annexure 'H' and they will continue to prevail in the company.

Gratuity

115. In its written statement, the company has stated as follows:—

"(1) The Scheme of Gratuity as drafted by the Government has been in force and that is common for all the Electrical Undertakings in the State of Maharashtra. The said Scheme has been framed in consultation with the Federation of Electrical Undertakings of India.

(2) It is further submitted that no Gratuity Scheme can be introduced without the sanction of the State Government as per the provisions of the Sixth Schedule, Clause 17(2)(b)(XII) of the Electricity (Supply) Act, 1948. Any other scheme in violation of this provision would be an 'inadmissible expenditure' under the provisions of the said Act.

(3) In view of the aforesaid provisions, the Honourable Tribunal has no jurisdiction to entertain and try this demand.

(4) The prevailing Scheme is a reasonable Scheme and is prevailing at all places and the same be allowed to be continued or be awarded in terms thereof.

(5) The provisions of the existing scheme of gratuity is in consonance with the principles laid down by the Supreme Court in the matter of Gratuity."

116. The Gratuity Scheme which, according to the management, is prevalent in the company is as follows:—

- | | |
|--|--|
| (1) On the death of an employee while in the service of the company, or on his physical or mental disability to continue further in service. | 1 month's salary or wages for each year of service subject to a maximum of 15 months' salary or wages, to be paid to his heirs, executors or nominees or to the disabled employee, as the case may be. |
| (2) On voluntary retirement or resignation of an employee : After 15 years of continuous service in the company. | 15 months' salary or wages. |
| (3) On termination of his service by the company : After two years of continuous service in the company. | 1 month's salary or wages for each completed year of service but not more than 15 months' salary or wages. |

(4) Gratuity will not be paid to any employee who is dismissed or discharged for dishonesty or misconduct.

(5) Gratuity shall be paid on the above scale with effect from the date of this circular to such employees who have become eligible for it on and after that date.

Salary or wages for the purpose of calculating gratuity shall mean the substantive salary or wages (exclusive of all allowances) of an employee on the date the employee ceases to be in the employment of the company.

(6) The term 'employee' means and includes an employee who has been confirmed in service; and the period of years of service has to be reckoned from the date of confirmation or appointment on probation against a substantive vacancy.

Service of employees in sister companies will be reckoned for the purpose of calculating continuous service and the sister companies have agreed to and will pay gratuity in the requisite proportion for periods respectively in their service. In case of re-employed employees, service for the purpose of gratuity will be counted from the date of re-employment.

The company may in its discretion grant gratuity in excess of the above."

117. The whole of the scheme as outlined above is fair and I accept it in its entirety with this exception that paragraph 4 of the existing scheme will be deleted and a new paragraph 4 will take its place.

118. In so far as termination of service of an employee on account of misconduct is concerned, I may refer to important observations of Their Lordships of the Supreme Court in the Delhi Cloth and General Mills Co. Ltd. *versus* their workmen (Civil Appeals Nos. 2168, 2569 of 1966 and 76, 123 and 560 of 1967, disposed of on the 27th September, 1968). Their Lordships have said:

"A bare perusal of the Schedule shows that the expression 'Misconduct' covers a large area of human conduct. On the one hand are the habitual late attendance, habitual negligence and neglect of work; on the other hand are riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline, wilful insubordination or disobedience. Misconduct falling under several of these latter heads of misconduct may involve no direct loss or damage to the employer, but would render the functioning of the establishment impossible or extremely hazardous. For instance, assault on the manager of an establishment may not directly involve the employer in any loss or damage, which could be equated in terms of money, but it would render the working of the establishment impossible. One may also envisage several acts of misconduct not directly involving the establishment in any loss, but which are destructive of discipline and cannot be tolerated. In none of the cases cited, any detailed examination of what misconduct would or would not involve to the employer loss capable of being compensated in terms of money was made. It was broadly stated in the cases which have come before this Court that notwithstanding dismissal for misconduct a workmen will be entitled to gratuity after deducting the loss occasioned to the employer. If the cases cited do not enunciate any broad principle we think that in the application of those cases as precedents a distinction should be made between technical misconduct which leaves no trail of indiscipline, misconduct resulting in damage to the employer's property, which may be compensated by forfeiture of gratuity or part thereof, and serious misconduct which though not directly causing damage, such as acts of violence against the management or other employees or riotous or disorderly behaviour, in or near the place of employment is conducive to grave indiscipline. The first should involve no forfeiture; the second may involve forfeiture of an amount equal to the loss directly suffered by the employer in consequence of the misconduct and the third may entail forfeiture of gratuity due to the workmen. The precedents of this Court e.g. *Wenger & Co. v. Its Workmen* (17), *Remington Rand of India Ltd's case* (10) and *Motipur Zamindari (P) Ltd's case* (16) do not compel us to hold that no misconduct however grave may be visited with forfeiture of gratuity. In our judgment, the rules set out by this Court in *Wenger & Co's case* (17) and *Motipur Zamindari (P) Ltd's* (16) applies only to those cases where there has been by actions wilful or negligent any loss occasioned to the property of the employer and the misconduct does not involve acts of violence against the management or other employees, or riotous or disorderly behaviour in or near the place of employment. In these exceptional cases—the third class of cases—the employer may exercise the right to forfeit gratuity: to hold otherwise would be to put a premium upon conduct destructive of maintenance of discipline".

119. In view of the above observations of the Supreme Court, the new paragraph 4 which will be added to the Gratuity Scheme prevailing in the company will be as follows:—

"(4) When an employee is removed by the Company from service on account of misconduct, the principles laid down by the Supreme Court in the Delhi Cloth and General Mills Co. Ltd. *versus* their workmen must be kept in view. Technical misconduct will not involve any loss of gratuity. In case the misconduct of the employee involves the company in financial loss, the company will be compensated to the extent of the loss. In case of serious misconduct, which is destructive or subversive of discipline or involves acts of violence against the management or other employees, or involves riotous or disorderly behaviour in or near the place of employment or is a case of insubordination or disobedience i.e. the third class of cases described by the Supreme Court, the employee will be liable to forfeiture of gratuity by the employers".

This will be subject to the State Government's approval. I have no doubt that the Government will have no difficulty in granting its approval because the modifications are based entirely upon observations of the Supreme Court and are eminently reasonable if I may say so with great respect.

120. This is my award in connection with all the five items mentioned in the schedule to this reference. Let a copy be submitted to the Central Government under section 15 of the Industrial Disputes Act.

Sd./- KAMLA SAHAJ,
Presiding Officer.

[No. 17/3/66-LR-IV.]

New Delhi, the 10th December 1969

S.O. 4969.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Bhanora South Colliery of Messrs Equitable Coal Company Limited, Post Office Jamuria Haut, District Burdwan and their workmen, which was received by the Central Government on the 2nd December, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 62 OF 1969

PARTIES:

Employers in relation to the management of Bhanora South Colliery of Messrs Equitable Coal Company Limited,

AND

Their workman.

PRESENT:

Shri B. N. Banerjee—Presiding Officer.

APPEARANCES:

On behalf of Employers—Shri H. R. Das Gupta, Deputy Labour Officer.
On behalf of Workmen—Absent.

STATE: West Bengal.

INDUSTRY: Coal Mines.

AWARD

By Order No. 6/34/69-LRII dated August 16, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred an industrial dispute between the employers in relation to the management of Bhanora South Colliery of Messrs Equitable Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:

“Whether the dismissal of Shri Biswanath Chatterjee, Assistant Time Keeper from the 19th December, 1968 by the management of Bhanora South Colliery of Messrs Equitable Coal Company Limited is justified? If not, to what relief is the workman entitled?”

2. Both the management and the workmen filed their respective written statement. At the time of hearing, however, the parties compromised their dispute and filed a petition of compromise duly signed on behalf of them. Since the dispute has already been settled and no further dispute exists, I make an award in terms of the settlement, a copy of which has been filed before this Tribunal. Let the petition of compromise form part of this award.

Dated, November 28, 1969.

(Sd.) B. N. BANERJEE, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 62 OF 1969

Employers in relation to the Management of Bhanora South Colliery of M/s Equitable Coal Co. Ltd.,

AND

Their workmen represented by Colliery Mazdoor Congress (H.M.S.).

The humble joint petition of the parties above named:

Most respectfully Sheweth,

1. That the aforesaid dispute has been settled between the petitioners on the following terms:

A. That Shri Biswa Nath Chatteraj will be taken back by the employer above named with continuity of his service.

B. That the period from 19th December, 1968 to 28th November, 1969 will be treated as leave without wages for Shri Chatteraj.

C. That the above named employer shall pay Rs. 600/- (Rupees Six Hundred Only) to Shri Chatteraj.

D. Shri Chatteraj will be taken back in the same Grade but the said employer shall be free to place Shri Chatteraj in other departments, but not in alternative shifts.

2. That the aforesaid terms of settlement are just and fair.

In the circumstances the petitioners pray that your lordship may be graciously pleased to accept the settlement as just and fair and pass award in this matter in terms of the said settlement and pass such further order or orders as to your lordship may deem fit and proper.

And your petitioners, as in duty bound, shall be ever pray.

Dated, the November, 25, 1969.
For the workmen.

For employer,

S. P. SHARMA,

(Sd.) Illegible,
Jt. Secy.

Duly constituted Attorney and
Chief Personnel Officer.

[No. 6/34/69-LRII.]

New Delhi, the 15th December 1969

S.O. 4970.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the management of Balihari Colliery of Messrs. Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad and their workmen, which was received by the Central Government on the 4th December, 1969.

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT
DHANBAD (CAMP PATNA)

REFERENCE No. 112 OF 1968

PRESENT:

Sri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the Balihari Colliery

Vs.

Their Workman.

APPEARANCES :

For employers—S/Sri S. S. Mukherjee and B. Joshi, Advocates.

For workmen—Sri T. P. Chaudhary, Advocate.

INDUSTRY: Coal

STATE: Bihar.

Camp Patna, dated, the 23rd of November, 1969

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad, and their workmen by its order No. 2/193/68-LR.II, dated the 25th of November, 1968 referred to this Tribunal under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

“Whether the management of Balihari Colliery of Messrs Balihari Colliery Company (Private) Limited, Post Office Kusunda, District Dhanbad was justified in refusing work to Shri Bandhu Mian, Haulage Khalasi with effect from the 29th April, 1968? If not, to what relief is the workman entitled?”

2. The General Secretary, Hindustan Khan Mazdur Sangh, Dhanbad filed the written statement on behalf of the workman on 14th April 1969. The case of the Union is that the concerned workman Sri Bandhu Mian was a permanent workman and was retrenched on 4th April, 1966. The workman was taken back in his substantive post of Haulage Khalasi on and from 21st of November, 1966 under the provisions of the Rule 78 of the Industrial Disputes (Central) Rules, 1957 and since then he has been working as such till he was illegally removed from his service on and from 29th April, 1968.

3. The workman was arrested along with his co-workers on 3rd March, 1968 and was released on bail on 29th April, 1968. The workman reported for duty on the same day but he was not provided with the job.

4. According to the Union the management of the colliery was guilty of non-payment of wages and bonus to the extent of several lakhs of rupees for which the Hindustan Khan Mazdur Sangh agitated. In order to snatch the organised strength of the workmen, the management, in a planned manner removed most of the members of the Sangh on one plea or the other. The concerned workman being a member of the Hindustan Khan Mazdur Sangh fell a victim of the said plan of the management and lost his employment. According to the Union the removal of the concerned workman from the service was an act of victimization for his legitimate trade union activities. According to the Union the removal of the concerned workman from the service was against the natural justice and the provision of the Standing Orders. The workman, therefore, prayed that it may be declared that the removal of the concerned workman was unjustified and that the workman is entitled to be reinstated with full back wages.

5. The management filed written statement on 16th April 1969 and their rejoinder on 24th April 1969. According to the management the concerned workman was retrenched on 4th April 1966 and thereafter he withdrew his Provident Fund dues sometime in 1967. He also took his final retrenchment compensation. He was, however, employed on casual basis from February, 1967. Sri Bandhu Mian did not work continuously from February, 1967 and as a matter of fact he also could not be given work for all the days in a week. Sri Bandhu Mian was not employed on a permanent basis. The management did not require his service and no vacancy could be found for him with effect from 29th April 1968. According to the management Sri Bandhu Mian was a temporary workman and as there was no vacancy the management was justified in refusing work to him and he is not entitled to any relief. As the workman was only a casual workman his termination from 29th April 1968 did not violate any of the provisions of the Standing order. It is however, submitted that the employers were not aware if the concerned workman was a member of the Hindustan Khan Mazdur Sangh or of any union at all.

6. The management examined five witnesses and also filed four items of documents which were marked as Ext. M-1 to M-4. Two witnesses were examined on behalf of the Union and 11 items of documents were exhibited and were marked as Ext. W-1 to W-11.

7. The point for consideration is whether the management was justified in refusing work to the concerned workman Sri Bandhu Mian, Haulage Khalasi with effect from the 29th of April, 1968?

8. There are certain admitted facts in this case. Sri Bandhu Mian was a permanent workman. He was retrenched on 4th April 1966. He withdrew his Provident Fund money vide Ext. M-1. The concerned workman also admitted in his evidence that after he was retrenched he withdrew his Provident Fund money in the year 1967. It is also admitted that he was subsequently re-appointed by the management. There is some controversy about the exact date of appointment. According to the Union he was re-appointed on 21st November 1966. According to the management he was re-appointed in the month of February, 1967. But this controversy is immaterial. I accept the version of the Union that he was re-appointed on 21st November 1966. In this connection the Union has filed Ext. W-7. It is proved by WW1 Sri J. Bhattacharjee, who was the despatch clerk of the management during the relevant time. Ext. W-7 is signed by Mr. A. L. Lobo, the then manager and by Sri Madhaba Acharya, Welfare Officer. He has however, stated in his evidence that he knew the concerned workman Sri Bandhu Mian and that he was appointed as per appointment (Ext. W-7) dated 21st November 1966. WW-2 is Bandhu Mian. He has also stated in his evidence that he was re-appointed by Mr. Lobo, the then manager of the colliery and that he had received the Purja (Ext. W-7) at the time of his appointment.

9. Ext. W-7, the Purja itself shows that his appointment was on "temporary basis on requirement." On this point the management has also examined two witnesses viz. MW-3 Sri S. R. Sinha, the ex-manager of this colliery. He has stated in his evidence that he knew the concerned workman Sri Bandhu Mian, who was working as a haulage khalasi and that he was a casual workman and was working in Badli, sick or in temporary vacancies. MW-5 Sri V. R. Singh is the Welfare Officer of this colliery. He has stated in his evidence that the concerned workman Sri Bandhu Mian was re-appointed as a haulage khalasi on a casual/temporary basis. Ext. W-7 shows that the concerned workman was appointed as a temporary hand and the entry in the Ext. W-7 has been corroborated by the statement of the two officers of the management. The management has also filed the attendance register Ext. M-2 series and has also prepared an extract from the attendance register (Ext. M-2). Ext. M-3, the extract of the attendance register shows that during the period 1st April 1967 to 6th April 1968 the concerned workman worked for 67 days. It was suggested that reliance can not be placed on these attendance registers because they are not properly maintained and it was not possible for the management to maintain a correct entry of all its workmen in view of its financial position. But mere allegation is not enough. The concerned workman has also stated in his evidence that after his reappointment he was not contributing towards his Coal Mines Provident Fund. He has further admitted that after his re-appointment he was not given a bonus card. All these facts go to show that the status of the concerned workman Sri Bandhu Mian was that of a temporary workman.

10. The next point for consideration is whether the management refused work to the concerned workman by way of victimization? According to the management it was a *bona-fide* of a removal temporary workman for want of work. MW-2 Shewtamber Mitra has stated in his evidence that there were three haulages in this colliery. Out of the three haulages two haulages were in 12 seam and one haulage was in 13 seam. MW-1 has stated in his evidence that at that time there were 8 haulage khalasies including Bandhu Mian and he has also given the names of all the 8 haulages khalasies. He has also stated that 12 seam was inundated and was closed and 13 seam was reopened. There was one haulage in 13 seam and one haulage in 15 seam. These two haulages were working in three shifts. There was tigger haulage in 15 seam which was working in one shift. Therefore, there were requirement of seven haulage khalasies and one haulage khalasi was kept in reserve to work in leave, sick and Badli. These facts are almost admitted by the concerned workman Sri Bandhu Mian in his evidence. In his evidence he has admitted that there was one haulage in 13 seam and one haulage in 15 seam and that both the haulages were working for three shifts and there was one another haulage in 15 seam which worked for re-

removal of fallen coal and was used for cleaning purposes and that haulage was used to work for only one shift. Therefore, according to him there were requirement of seven haulage khalasis and one haulage khalasi was kept in reserve as a spare khalasi to work during the sick, badli and leave vacancies. According to him he was denied job when returned from jail on the 29th of April, 1968. But in his evidence he has admitted that one extra haulage which was working in seam No. 15 for one shift was stopped in March, 1968. Therefore, the assertion of the management that the concerned workman was not given job for want of work is admitted by the concerned workman himself.

11. I therefore, find that in this case there is no question of unfair labour practice and consequently there is no question of victimization. I therefore, hold that the management was justified in refusing work to Sri Bandhu Mian and he is not entitled to any relief.

12. This is my award. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.
[No. 2/193/68-LRII.]

ORDERS

New Delhi, the 5th December 1969

S.O. 4971.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of South Bullari Kendwadhi Colliery, Post Office Kusunda (Dhanbad) of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the management of South Bullari Kendwadhi Colliery, Post Office Kusunda (Dhanbad) of Messrs East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad, was justified in placing Shri Rambhajan Singh, Lamp Room Incharge in the Clerical Grade II, with effect from the 15th August, 1967? If not, to what relief is the workman entitled?”

[No. 2/177/69-LRII.]

New Delhi, the 6th December, 1969

S.O. 4972.—Whereas an industrial dispute exists between the employers in relation to the North Brook Colliery of Shri Bimal Kanti Roy, Post Office Jaykaynagar, District Burdwan (hereinafter referred to as the said employers) and their workmen represented by the North Brook Colliery Mazdoor Union, Post Office Jaykaynagar, District Burdwan (hereinafter referred to as the union);

And whereas the said employers and the union have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 24th November, 1969.

Agreement

Under Section 10A of the Industrial Disputes Act, 1947.

BETWEEN

NAMES OF THE PARTIES:

Representing employers:

Shri L. S. Ghate,
Agent, North Brook
Colliery of Shri Bimal Kanti
Roy, P.O. Jaykaynagar,
District. Burdwan.

Representing workmen:

(1) Shri Hansraj Singh, President,
North Brook Colliery Mazdoor
Union.

(2) Shri Ramapada Banerjee,
Secretary, North Brook Colliery
Mazdoor Union.

It is agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. Sharan, (Regional Labour Commissioner (C), Asansol.

(i) Specific matters in dispute.—

“Keeping in view the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government under its Resolution No. WB-16(5)/66 dated 21st July, 1967 what should be the basis for determining the basic wage of piece-rated workmen for the purposes of entitlement to class of travel for going home while on leave and from which date?”

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.—*Employers in relation to North Brook Colliery of Shri Bimal Kanti Roy, P.O. Jaykaynagar, District Burdwan.

(iii) *Name of the Union, if any representing the workmen in question.—*North Brook Colliery Mazdoor Union (Ind), P.O. Jaykaynagar, District Burdwan.

(iv) *Total No. of workmen employed in the undertaking affected.—*903.

(v) *Estimated number of workmen affected or likely to be affected by the dispute.—*500.

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of ninety days or within such further time as is entered by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to Arbitrator shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the Parties:

Sd/- Illegible,
Representing the employers:

Sd/- Illegible,
Representing the workmen:

Sd/- Illegible,
15th November, 1969.

WITNESSES:

1. Sd/- Illegible,

2. Sd/- Illegible,

Dated, the 15th November, 1969.

S.O. 4973.—Whereas an industrial dispute exists between the employers in relation to the Banki Colliery of Messrs National Coal Development Corporation Limited, Post Office Bankimogra, District Bilaspur, Madhya Pradesh, and their workmen represented by the Madhya Pradesh Colliery Workers' Federation, Post Office Bankimogra, District Bilaspur, Madhya Pradesh;

And whereas the said employers and workmen have by a written agreement in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section 3 of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 20th November, 1969.

Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN

NAMES OF THE PARTIES:

Representing Employers.—Sri S. P. Mathur, Dy. Supdt. of Collieries Banki Colliery of M/s N.C.D.C. Ltd. P.O. Bankimogra (Dist. Bilaspur) M.P.

Representing workmen.—Shri Rambilas Sobhanath Secretary, M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.).

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri Ved Prakash Pratap, Assistant Labour Commissioner (Central), Jabalpur.

(i) *Specific matters in dispute.*—

(1) Whether the action of the management in demoting Sri Kashi Singh s/o Ram Sarup, Fitter Helper as Cat. I w.e.f. 1st July, 1969 is justified? If not to what relief is he entitled?

(ii) *Details of the parties to the dispute including the name and address of the establishment or undertaking involved.*—Employers in relation to the Banki Colliery of M/s National Coal Development Corporation Limited, P.O. Bankimogra (Dist. Bilaspur) M.P. and their workmen represented by the M.P. Colliery Workers' Federation, P.O. Bankimogra Dist. Bilaspur (M.P.).

(iii) *Name of the Union, if any, representing the workmen in question.*—Madhya Pradesh Colliery Workers' Federation, Banki Branch P.O. Bankimogra (Dist. Bilaspur) M.P.

(iv) *Total number of workmen employed in the undertaking affected.*—185.

(v) *Estimated number of workmen affected or likely to be affected by the dispute.*—1.

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months from 1st January 1970 or within such further time as is extended by the mutual agreement between us in writing. In case the award is not made within the period afore-mentioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Representing employers
S. P. MATHUR.

Representing workmen
RAMBILAS SOBHANATH.

Witnesses:

1. (Sd.).
2. (Sd.).

Bankimogra, 4th November 1969.

New Delhi, the 8th December 1969

S.O. 4974.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

“Whether the dismissal of Shri Basdeo Harijan, C. R. O. Surface Trammer (P. No. 5069) with effect from the 18th April, 1968, by the management of Sijua Colliery of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad was justified? If not, to what relief is the workman concerned entitled?”

[No. 2/159/69-LRII.]

S.O. 4976.—Whereas the employers in relation to the management of Bhowra Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Bhowra, District Dhanbad and their workmen represented by the Colliery Mazdoor Sangh, Bhowra Colliery Branch, Post Office Bhowra, District Dhanbad have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Bhowra Colliery of Messrs Bhowra Kankanee Collieries Limited in converting the 19 C.P. Miners mentioned below to machine loaders, with effect from the 1st September, 1966, with consequent effect on their nature of work, is justified? If not, to what relief the workmen are entitled?

Name of C. P. Miners.

1. Shri Jhalu Pasi.
2. Shri Rebal Gope.
3. Shri Dulu Pasi.
4. Shri Chhitan Pasi.
5. Shri Banwaril Lodh.
6. Shri Sobram Bhui.
7. Shri Biswanath Pasi.
8. Shri Surajball Pasi.
9. Shri Pitamber Pasi.
10. Shri Nathi Pasi.
11. Shri Ramtatan Pasi.
12. Shri Ramsankar Lodh.
13. Shri Gangdin Pasi.
14. Shri Durga Pasi.
15. Shri Rajau Pasi.
16. Shri Turi Kabar.
17. Shri Ramdhani Nonla.
18. Shri Somar Bhui.
19. Shri Akloo Bhui.

[No. 8/62/69-LRII.]

New Delhi, the 10th December 1969

S.O. 4976.—Whereas the employers in relation to Hutti Gold Mines Company Limited, Post Office Hutti, District Raichur (Mysore State) and their workmen represented by the Hutti Gold Mines Kamgar Sangh have jointly applied to the Central Government under sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), for reference to a Tribunal of an industrial dispute that exists between them in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said Hutti Gold Mines Kamgar Sangh represents the majority of the said workmen;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, with headquarters at Hyderabad and refers said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

Without prejudice to the legality or otherwise of the applicability of the provisions of the Bonus Act 1965 to the Hutti Gold Mines Company Limited, whether the demand of the Hutti Gold Kamgar Sangh for payment of higher bonus than the minimum of 4 per cent of the wages earned as per Payment of Bonus Act, 1965 offered by the management for the accounting year ended on 31st March, 1969 is justified? If so, what should be the percentage?

[No. 24/70/69-LR.IV.]

S.O. 4977.—WHEREAS the Central Government is of opinion that an Industrial dispute exists between employers in relation to the management of Bhuggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited, Post Office Dhansar, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed ;

AND WHEREAS the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

1. "Whether the action of the management of Bhuggatdih Rise Area Colliery of Messrs Bengal Nagpur Coal Company Limited, Post Office Dhansar, District Dhanbad, in suspending the following workmen for the period shown against each was justified If not, to what relief are these workmen entitled ?

Sl.No.	Name	Designation	Period of suspension			
1	Shri Banku Kora	Miner	From	9-3-68	to	21-3-68
2	Shri Ch. Mahes Mudi	"		"		"
3	Shri Ojha Majhi	"		"		"
4	Shri Rathu Karmakar	"		"		"
5	Shri Kisto Mudi	"		"		"
6	Shri Nibaran Mudi	"		"		"
7	Shri Karan Singh	"		"		19-3-68
8	Shri Jitu Singh	"		12-3-68	to	21-3-68
9	Shri Bhiku Bauri	"		9-3-68	to	16-3-68
10	Shri Gobind Kora	"		11-3-68	to	21-3-68
11	Shri Sripati Modi	"	From	11-3-68	to	21-3-68
12	Shri Ashari Mudi	"		11-3-68	to	21-3-68
13	Shri Karma Majhi	"		9-3-68	to	21-3-68
14	Shri Raghu Modi	"		11-3-68	to	21-3-68
15	Shri Dilu Mahato	"		13-3-68	to	21-3-68
16	Shri Atul Singh	"		11-3-68	to	21-3-68

2. Whether the action of the management of Bhuggatdih Rise Area colliery of Messrs. Bengal Nagpur Coal Company Limited, Post Office Dhansar, District Dhanbad, in rendering idle Sarvashri Jyoti Kora and Gaur Singh, Miners, with effect from the 9th March, 1968 to the 21st March, 1968, was justified? If not, to what relief are the workmen entitled?"

[No. 2/74/69-LRII.]

S.O. 4978.—Whereas an industrial dispute exists between the employers in relation to the management of Rajasthan Mineral & Company, Mica Mine Owners, Jaipur (hereinafter referred to as the said Company) and their workmen represented by Rashtriya Mine Mazdoor Sangh, Phagi, Madhorajpura, Jaipur (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person mentioned therein and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 18th November, 1969.

Agreement

Amendment

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

Representing Employer.—Shri I. N. Saksena, Manager Rajasthan Mineral & Company, Mica Mine Owners, Jaipur.

Representing Workmen.—Shri Hazarilal Verma, Secretary, Rashtriya Mine Mazdoor Sangh, Phagi, Madhorajpura, Jaipur.

It is hereby agreed between the parties to refer the following industrial dispute to the Arbitration of Shri R. P. Bartaria, Regional Labour Commissioner(C) Ajmer.

(i) *Specific matters in dispute.*—"Having regard to the provisions of the Payment of Bonus Act, 1965, whether the demand of the Rashtriya Mines Mazdoor Sangh, Madhorajpura for the payment of bonus at the rate of 20 per cent of the salary or wage earned by the employees employed by Rajasthan Mineral & Company, Mica Mine Owners in their Hanumar Mine at Madhorajpura during the accounting year, 1964, 1965, 1966, 1967 & 1968 is legal and justified? If not, to what relief, are the workmen entitled?"

(ii) *Details of the parties to the dispute.*—Rajasthan Mineral & Company, Mica Mine Owners, Jaipur. Rashtriya Mines Mazdoor Sangh, Phagi, Madhorajpura, Jaipur.

(iii) *Name of the Union representing the workmen in question.*—Rashtriya Mines Mazdoor Sangh, Phagi, Madhorajpura, Jaipur.

(iv) *Total No. of the workmen employed in the undertaking affected.*—18 approximately.

(v) *Estimated number of workmen affected or likely to be affected by the dispute.*—18 approximately.

We further agree that the decision of the Arbitrator shall be binding on us.

The arbitrator shall make his award within a period of three months or within such time as is extended by mutual agreement between us in writing. In case the award is not made within the aforementioned period the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for arbitration.

(Sd.) I. N. SAKSENA,
Representing Employer.

(Sd.) HAZARILAL VERMA,
Representing Workman.

Witnesses:

(1) (Sd.) O. P. SAKSENA, 7-11-69.

(2) (Sd.) HAZARILAL SHARMA.

[No. 20/14/69-LR.I.]

S.O. 4979.—Whereas an industrial dispute exists between the employers in relation to the management of Proper Kajora Colliery of Messrs Sri Nimbarak Proper Kajora Coal Company (Private) Limited, Post Office Kajoragram, District Burdwan and their workmen represented by the West Bengal Khan Mazdoor Sangh (U.T.U.C.), Post Office Kajoragram, District Burdwan;

And whereas the said employers and their workmen have by a written agreement, in pursuance of the provisions of sub-section (1) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration by the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of Section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement which was received by it on the 28th November, 1969.

Agreement

Under Section 10A of the Industrial Disputes Act, 1947

BETWEEN

Names of the parties:—

Representing employers.—Shri V. R. Iyar, Manager, Proper Kajora Colliery of M/s. Sri Nimbarak Proper Kajora, Coal Co. (P) Ltd., P.O. Kajoragram, Dist: Burdwan.

Representing workmen.—Shri Parasuram Panda, Secretary, West Bengal Khan Mazdoor Sangh (UTUC), P.O. Kajoragram, Dist: Burdwan.

It is agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. Sharan, Regional Labour Commissioner (Central), Asansol.

(i) *Specify matters in dispute:—*

"Whether the termination of services of S/Shri Atul Bagti, Trammer, Gurupadu Bagti, Surface Trammer, Shankar Muchi, Trammer, Gopal Muchi, General Mazdoor and Somru Rajbhar, Explosive Carrier from 20-4-68, 17-4-68, 17-4-68, 19-2-68 & 22/1/68 respectively by the management of Proper Kajora Colliery was justified? If not, to what relief the workmen entitled?"

- | | |
|---|--|
| (ii) Details of the parties to the dispute including the name & address of the establishment or undertaking involved. | Employers in relation to proper Kajora Colliery of M/s. Sri Nimbarak Proper Kajora Coal Co. (P) Ltd., P.O. Kajoragram (Burdwan). |
| (iii) Name of the union, if any, representing the workmen in question. | West Bengal Khan Mazdoor Sangh (UTUC), P.O. Kajoragram, Distt. Burdwan. |
| (iv) Total No. of workmen employed in the undertaking affected. | 280 |
| (v) Estimated number of workmen affected or likely to be affected by the dispute. | 5 (Five). |

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of six months or within such further time as is entered by mutual agreement between us in writing. In case the award is not made within the period aforementioned the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties.

Witnesses:—

Sd./- Illegible,
Representing employers.
Sd./- Illegible,

1. (Sd.).

Representing workmen.

2. (Sd.).

Copy forwarded to:—

1. The Secretary to the Government of India, Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), New Delhi.
2. The Chief Labour Commissioner(C), New Delhi.
3. The Regional Labour Commissioner(C), Asansol.
4. The Assistant Labour Commissioner(C), Asansol.

Signature of the parties

Representing employers:
(Sd.) Illegible.

Representing workmen:
(Sd.) Illegible.

Dated 16th October, 1969.

[No. 8/93/69-LRII.]

New Delhi, the 15th December 1969

S.O. 4980.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Chora No. 7 and 9 Pits Colliery, Post Office Chora, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whereas the management of Chora No. 7 and 9 Pits Colliery, Post Office Chora, District Burdwan was justified in dismissing the following Loaders with effect from the 14th January, 1969:—

1. Shri Sukhmangal Harijan	.. Loader.
2. Shri Matadin Passy	.. Loader.
3. Shri Bachai Ram Passy	.. Loader.
4. Shri Sarban Harijan	.. Loader.
5. Shri Mouji Jaiswara	.. Loader.
6. Shri Hanuman Rajbhar	.. Loader.
7. Shri Shri Inarmal Hazam	.. Loader.
8. Shri Kataroo Jaiswara	.. Loader.
9. Shri Rambali Kurmi	.. Loader.
10. Shri Rambali Gorori	.. Loader.
11. Shri Nagina Shao	.. Loader.
12. Shri Bisaranjan Harijan	.. Loader.

If not, to what relief they are entitled?"

[No. 6/31/69-LRII.]

S.O. 4981.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Central Coal Washeries Organisation of Messrs. Hindustan Steel Limited, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Are the employees of the Calcutta Purchase Branch, office of the Central Coal Washeries Organisation of Hindustan Steel Limited entitled to Bonus under the Payment of Bonus Act 1965 for the years 1966-67 and 1967-68 and if so, at what rate?"

[No. 6/53/69-LRII.]

S.O. 4982.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of 20/21 Pits Murulidih Colliery of Messrs Bengal Coal Company Limited, Post Office Mohuda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal. (No 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of 20/21 Pits Murulidih Colliery of Messrs. Bengal Coal Company Limited, Post Office Mohuda, District Dhanbad, was justified in dismissing Shri Ruplal Mahato, Foreman In-charge (Electrical) with effect from the 20th March, 1969? If not, to what relief is the workmen entitled?"

[No. 2/166/69-LRII.]

CORRIGENDUM

New Delhi, the 6th December 1969

S.O. 4983.—In the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3707 dated the 1st September, 1969, published at page 3976 of the Gazette of India, Part II, Section 3 Sub-Section (ii) dated the 13th September, 1969,—

In line 4 for "1st June, 1969" read "18th June, 1969".

[No. 2/130/68-LRII.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th December 1969

S.O. 4984.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the National and Grindlays Bank Limited, Kanpur and their workmen, which was received by the Central Government on the 5th December, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

Dated November 18, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE NO. CGIT/LC(R) (1) OF 1969

PARTIES:

Employers in relation to the National and Grindlays Bank Limited, Kanpur and their workmen.

APPEARANCES:

For Bank—Sri M. S. Bala, Personnel Manager, National and Grindlays Bank Ltd.

For Union—Sri Har Mangal Singh, Secretary, U.P. Bank Employees Union, Kanpur (U.P.)

INDUSTRY: Bank.

DISTRICT: Kanpur (U.P.)

AWARD

By Notification No. 23/89/68/LRIII, dated 28th November 1968, the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal, for adjudication:

Matter of Dispute

What should be the monetary limit up to which medical aid and expenses should be admissible to the workmen of National and Grindlays Bank Limited, Kanpur Branch and from which date?

2. National and Grindlays Bank Limited is an A Class Bank having its offices at different places in the country, the Head office being at Calcutta. According to Bank Awards not only the category but the area also have been classified. In

area I the Bank has offices in New Delhi, Bombay, Bangalore Hyderabad, Calcutta and Kanpur. The complement of employees both falling under the category of workmen and those who are outside this category and are either officers or are staff on special rates and pay was furnished on being required by the Tribunal on an affidavit of Sri Douglas Robert Maxwell Hamilton, a Bank officer posted in the office of the Chief Manager at Calcutta and is as follows:—

*Branchwise strength of Employees in Indian branches of National and Grindlays Bank Limited
In Area I.*

	Total No. of employees	Workmen	Staff on Spl. Rates & Pay	Local & Sub-Offi- cers	Covenanted officers
1. New Delhi Centre	832	737	11	62	22
2. Bombay Centre	1,350	1,190	28	105	27
3. Bangalore	54	46	2	4	2
4. Hyderabad	33	27	3	2	1
5. Madras Centre	402	349	11	34	8
6. Calcutta (Centre)	1,912	1,674	68	121	49
7. Kanpur	109	99	1	6	3

The Bank was also required to state the monetary ceilings which have been fixed by the Bank for its officers and this was stated on affidavit by Sri Hamilton as annexure A. It runs as follows:—

Monetary Celings of medical beenefsts applicable to officers (non-workmen) categories in all Indian branches of National and Grindlays Bank including Kanpur branch.

Convenanted officers.—These limits may be exceeded only subject to the specific sanction of higher authorities in each case.

(a) Rs. 500 per annum for each officer.

(b) Rs. 500 per annum for each officer's wife and children (under 18 years of age).

Local Officers, Sub-officers and Staff on Special Rates of Pay (including their wives and children).

Basic salaries upto Rs. 500 Rs. 250 per annum.

Basic Salaries between Rs. 551 and Rs. 900. Rs. 350 per annum.

Basic salaries of Rs. 901 and above. Rs. 450 per annum.

There had been no ceiling on medical expenses incurred by the employees of the Kanpur branch while in all other branches there had been a ceiling of monetary limit. This was a special benefit enjoyed by the Kanpur branch of the Bank since 1950. Under paragraph 450 of the Sastri Award the monetary ceilings were fixed for different class of bank for different areas. It was, however, stated in sub-para 2 that whenever existing facility in any bank or banks are superior to the position hereinafter made such facility should be continued. Desai Award in paragraph 11.19 maintained this provision of the Sastri Award. Presumably on this account, the bank could not fix a monetary ceiling on medical expenses incurred by the employees at Kanpur. The Bi-partite settlement which was arrived at on 19th October, 1966 in paragraph 15.1 adopted the Desai award with certain modifications. It would be material to reproduce the same:—

Chapter XV Medical Aid & Expenses Facilities:

15.1 Provisions of paragraph 11.20 of the Desai Award shall be modified to the extent specified below:—

(a) In supersession of sub-clause (I) of paragraph 450 of the Sastri Award, medical facilities as provided in this Chapter shall be available to workmen and members of their family consisting of wife, children wholly dependent upon the workman, and dependent widowed mother.

Provided always that nothing in this Settlement as regards "Medical Aid & Expenses" shall apply to those workmen of the National & Grindlays Bank Ltd., Kanpur, who are enjoying "Medical Aid & Expenses"

for themselves without monetary ceiling, it is agreed that the parties hereto will hold discussions in an endeavour to standardise "Medical Aid & Expenses" for such workmen by bringing them in line with the other workmen of the Bank in regard to "Medical Aid & Expenses."

(b) In supersession of sub-clause (8) of paragraph 450 of the Sastry Award, all workmen shall submit any bills etc., against which medical aid is claimed, within six weeks of the expense being incurred or of the workman's return to duty from sickness, whichever is later. Banks shall make payment of the bills, if otherwise in order and within the workman's entitlement, within four weeks of their presentation to the bank.

(c) In supersession of sub-clause (10) of paragraph 450 of the Sastry Award the total expenses from January to December of each calendar year on account of medical attendance and treatment payable by a bank to a workman shall not exceed the following limits:—

	Area I	Area II	Area III
"A" Class Banks	135	90	75
"B" Class Banks	113	75	60
"C" Class Banks	80	54	40

such facilities shall not include supply of dentures, spectacles, hearing and other aids."

By reason of the proviso appended to clause a of paragraph 15.1 Chapter XV the Bank endeavoured to arrive at a settlement with the Union but to no result. The matter was thereupon taken up in conciliation and since no agreement was reached, the dispute has resulted in this reference.

3. Before dealing with the merit of the dispute, it may be convenient to dispose of a legal objection taken by the Union of the employees *viz.* that since the employees at Kanpur had been enjoying this benefit without change and the fact had been recognised both by the Sastry and the Desai Awards, the benefit cannot be curtailed to their disadvantage and the matter operates as *res judicata*. The argument is clearly misconceived. Both the Sastry and Desai Awards have lapsed and it is the Bi-partite Settlement which is the result of the agreement of the parties themselves that will hold the field and shall bind the parties. There is, therefore, no question of application of principle of *res judicata* in the matter. Apart from this, the Supreme Court by a Majority judgment in a recent case *Management of Shahdara (Delhi) Saharanpur Light Railway Co. Ltd., vs. S. S. Railway Workers Union* reported in F. L. R. 1969 (18) 315, has clearly held that the principles of *res judicata* do not apply in industrial adjudication.

4. It may be further noted that the terms of reference also envisage the determination of the question about the fixation of the monetary limit. As a matter of fact, both under the proviso to paragraph 15.1 of the Bi-partite Settlement and the wordings of the issue under reference clearly indicate that a monetary limit has to be fixed. The only question to be determined is that what should be that ceiling. The Bi-partite Settlement clearly states that the medical aid and expenses have to be standardised for workmen of Kanpur branch by bringing them in line with other workmen of the bank and in order to achieve the same there was a direction to the parties to hold discussion in an endeavour to standardise the same. It does not lie in the mouth of the employees at Kanpur branch to say that they would not fall in line with their counterparts in other branches of the bank and they should be allowed to have the privilege of enjoying expenses on medical aid without any monetary ceiling. Besides this, if the question is examined on merits, it is desirable that a ceiling should be fixed for Kanpur branch also. The Bank was required to file the statement of medical expenses reimbursed to the clerical and the subordinate staff for five years from 1964 to 1968. This was done on an affidavit of Sri William Gordon Whitehead, Manager of Kanpur Branch. It would appear that the total medical expenses on clerical staff which stood at Rs. 14988.98p. in 1964 had increased to Rs. 21263.03 p. in 1965 and Rs. 30169.03 in 1966. The figures in 1967-68 were also sufficiently high. The same is with regard to the subordinate staff. The amount which stood at Rs. 9220.33 in 1964 increased to Rs. 20708.63 in 1966 and Rs. 19415.87 in 1967. The expenses which the Bank had to incur are steadily rising. The Bank made an attempt in the beginning to show that the benefit was abused and monthly consolidated statements of the Bank

doctor for medicines supplied were filed by way of exemplars for the months of June, July, 1968 and January 1969. As only an affidavit was filed and the doctor was not produced for cross-examination his affidavit was of no avail. The Bank also subsequently gave up the stand of objectionable medicines which the employees got sanctioned through their doctor. It was contended that the employees pressurised the Bank doctor and obtained payment for such items which were not actually medicines and were either food or cosmetics. This stand was, however, given up by the Bank when the hearing was resumed on 16th October 1969. An unrestricted privilege of medical expenses is likely to be abused as was held by the Supreme Court in *May & Baker India Ltd. V. Workmen* reported in 1961-II-LLJ 94 at p. 98 and also in *Williamsons India (P) Ltd. V. Workmen* 1962-I-LLJ 302 at p. 306; *Remington Rand of India Ltd. Vs. Workmen* 1969 (19) F.L.R. 46 at 51. On behalf of the Union reliance was placed on an award of the Arbitrator in a dispute between Reserve Bank of India and its workmen referred under Sec. 10A of the I.D. Act and published in Government of India Gazette dated March 5, 1968/Phalguna 15, 1889 Saka at page 183. In Chapter XVII of the said award, the question of medical aid and expense was considered and the prevailing position of commercial banks was noticed in paragraph 17.4 of the Award. The Reserve Bank of India is not a commercial bank and therefore there can be no analogy between a commercial bank and the Reserve Bank of India. It was further stressed on behalf of the Union that the Bank has been giving special treatment to officers and in whose case there is no monetary ceiling. This is wrong as a fact and annexure A reproduced earlier filed by Sri Douglas Robert Maxwell Hamilton would show that there is a ceiling for even covenanted officers and it varies from Rs. 250/- to Rs. 500/-. In the case of covenanted officers it is however, stated that the limits could be exceeded on specific sanction of higher authorities. It was alleged on behalf of the Union that the special sanction is readily granted in the case of covenanted officers. There seems to be some substance in this contention as the Bank was required to file statements of the medical expenses incurred by the officers also. They filed such statements as annexures 18, 19 & 20 under sealed cover but claimed privilege under Sec. 21 of the I.D. Act. It is unnecessary to consider the legal aspect of the privilege claimed on behalf of the Bank as in the case of covenanted officer it is conceded that monetary limits could be exceeded on special sanction. The fact, however, remains that there is a ceiling for officers also, both covenanted and non-covenanted. There is absolutely no reason why the workmen—employees of the Kanpur branch should also not have a ceiling so as to fall in line with employees of other branches of the Bank in the country and which is expressly contemplated by the proviso to para. 15, 1 (a) of the Bi-partite Settlement.

5. The next question to be considered is that what should be the ceiling. It would appear from annexure to the conciliation failure report and which is also filed as an annexure with the Bank's written statement that the Bank was prepared for a monetary limit of Rs. 250/- per year in cases of genuine illness of the workman and his family as defined in the Bi-partite Settlement. The Union, however, wanted the limit to be raised to Rs. 400/- and also insisted on hospitalisation expenses to be reimbursed for families as well, whereas the Bank was prepared to restrict it to the employees only. The offer of Rs. 250/- made by the Bank was quite reasonable, particularly in view of the fact that the monetary limit has a ceiling for officers starting from Rs. 250/- and going upto Rs. 500/-. The employees who are not covenanted officers and are workmen cannot legitimately claim a higher benefit than allowed to the non-workmen viz. officers. It may be remembered that this limit of Rs. 250/- is in excess of the limit at other places which is Rs. 135/-, but as the employees of the Kanpur branch have all along enjoyed the benefit of no ceiling they deserve a special consideration in the matter. The Bank's further offer in conciliation was that they would meet the expenses of hospitalisation if recommended by the Bank doctor but unutilised amount under the monetary ceiling would first be utilised towards payment of hospital bill. When the medical aid and expenses are admissible not only to the employees but also to the members of their family, as laid down in paragraph 15.1 there is no reason why this hospitalisation facility should not be extended to the member of the family also, particularly so when it is admitted by Sri Hamilton in his affidavit that two hospital beds for workmen are being maintained by the Bank in Calcutta, Bombay, Delhi and New Delhi. Out of these two beds, one is for T.B. patients only and the other for ailments other than T.B. patients. Since the Bank had offered to defray the hospitalisation expenses of the employees during conciliation, it is but just and fair that the Bank should meet the same not only for the employees alone but for the families as defined in paragraph 15.1(a) of the Bi-partite Settlement.

Decision.—The result is that the employees of National Grindlays Bank Ltd. Kanpur will be entitled to medical aid and expenses upto a monetary limit of Rs. 250/- per year from January to December. This medical aid as provided in paragraph 15.1(1) of the Bi-partite Settlement shall be available to workmen employees themselves and members of their families as defined in the said clause. It is further directed that the Bank will defray the hospitalisation charges not only for the workmen employees themselves but also for members of their families on condition that hospitalisation is recommended by the Bank's doctor and any amount unutilised out of medical aid ceiling which may be outstanding to the credit of the employee concerned shall first be utilised to pay the hospitalisation bill and the balance shall be met by the Bank. The award will be effective from 1st January 1970 and will last till modified in accordance with law. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer.
18-11-1969.

[No. 23/89/68/LRIII.]

New Delhi, the 9th December 1969

S.O. 4985.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Faridabad, in the industrial dispute between the employers in relation to the Punjab National Bank Limited, Chandigarh and their workmen, which was received by the Central Government on the 1st December, 1969.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

REFERENCE No. 9/C of 1969

BETWEEN

Shri Raj Pal Singh workman and the management of M/s. Punjab National Bank Ltd; Chandigarh.

PRESENT:

For the workmen.—None.

For the management.—Shri I. S. Ahluwalia.

AWARD

Shri Raj Pal Singh was employed as a temporary peon by the Punjab National Bank at their Korali Pay office on 3rd February, 1966. In all he put in 574 days of service from 3rd February, 1966 to 31st August, 1968. He was not taken on permanent cadre and his services were terminated on 18th September, 1968. This gave rise to an industrial dispute and the Central Government in exercise of the powers conferred by section 7A, and clause (d) of sub section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) constituted an Industrial Tribunal with headquarters at Faridabad with the undersigned as Presiding Officer, and referred the following dispute for adjudication vide Government Gazette Notification dated 24th April, 1969.

Whether the action of the management of the Punjab National Bank Limited, Chandigarh in denying Shri Raj Pal Singh the chance of permanent absorption as a peon in the service of the Bank is justified? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. A number of preliminary objections were taken on behalf of the management. It was pleaded that the claimant was not a workman because he had ceased to be in the service of the Bank and therefore no industrial dispute could be raised on his behalf. It was also pleaded that the dispute has not been sponsored by the union in a proper way and the reference is invalid on this account. The Third objection is that the present dispute is simply a grievance of a person who was once employed as a temporary hand and is no more in the employment of the Bank and therefore this dispute could not be said to be an industrial dispute which could be adjudicated upon by this Tribunal.

On merits it was pleaded that the action of the management in denying the workman the chance of permanent absorption as a peon in the service of the bank could not be challenged, because no temporary hand can as a matter of right claim to be absorbed against a permanent vacancy. It was pleaded that the Bank is

the final authority to decide which person should fill in a permanent vacancy. The workman is said to be blind in one eye and was rightly considered unfit to be absorbed in the permanent service of the bank. The pleadings of the parties gave rise to the following issues.

1. Whether the claimant is not a workman because he had ceased to be in the service of the Bank?
2. Whether the reference is invalid because the present dispute has not been sponsored by the union in a proper way
3. Whether the present dispute is not an industrial dispute?
4. Whether the action of the management of the Punjab National Bank Limited, Chandigarh in denying Shri Raj Pal Singh the chance of permanent absorption as a peon in the service of the Bank is justified? If not, to what relief is he entitled?

The parties have produced their evidence. After the parties closed their evidence the case was adjourned to 14th November, 1969, for argument. On the date fixed for argument Shri I.S. Ahluwalia alone appeared on behalf of the Bank and nobody appeared on behalf of the workman. I have carefully considered the facts of the case. It is not necessary to give a finding on all the issues framed in this case because the decision on issue No. 2 will completely dispose of the case. My findings on issue No. 2 is as under.

Issue No. 2.

The grievance of the workman is not that his services has been wrongly terminated. His grievance is that it is the policy of the Bank to make permanent appointments from out of the persons appointed Temporarily in leave or casual vacancies and this policy has not been followed in the present case. Obviously the present dispute does not fall within the ambit of section 2A of the Industrial Disputes Act and the reference is bound to fail because it is not proved that the present dispute has been sponsored by a substantial number of workman or by their union. I find this issue in favour of the management, and reject the reference on this preliminary ground.

Dated 25th November, 1969.

(Sd.) P. N. THUKRAL,
Presiding Officer,
Industrial Tribunal, Haryana,
Fridabad.
[No. 23/20/69/LRIII.]

S.O. 4986.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the Central Bank of India Limited, Muzaffarpur and their workmen, which was received by the Central Government on the 2nd December, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao Presiding Officer.

REFERENCE No. 7 OF 1969

In the matter of an industrial dispute under Section 10(2) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Central Bank of India, Limited, Muzaffarpur.

**AND
Their Workmen.**

APPEARANCES:

On behalf of the Workmen: None.

On behalf of the Employers: None.

STATE: Bihar.

INDUSTRY: Bank.

Dhanbad, 29th November, 1969.

AWARD

The employers in relation to the Central Bank of India Limited, Muzaffarpur and their workmen represented by the Bihar Provincial Central Bank of India Employees Association, Muzaffarpur having jointly applied for reference of an industrial dispute that existed between them to an Industrial Tribunal in respect of the demand set forth in the said application and reproduced in the schedule extracted below, the Central Government, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, referred the said dispute to this Tribunal by its order No. 24/1/68/LRIII dated the 11th April, 1969.

SCHEDULE

"Whether the action of the Management of Central Bank of India Limited in refusing training in the work of the Inspection of Godowns to Shri M. K. Chatterjee, Clerk of Patna Branch in spite of their Memos. Nos. EST/III/25/149 dated the 9th February, 1967, and EST/III/25/219 dated the 10th March, 1967, was justified because of their Head Office Circular No. BID. 24/307-C dated the 31st May, 1967? If not, to what relief is Shri Chatterjee entitled?"

2. In spite of the order of reference being of 11th April, 1969, and copies thereof having been forwarded by registered post A.D. to the parties, neither party submitted the statement of demands within the statutory period. Hearing of the case was fixed on 30th September, 1969, and 5th November, 1969, and notices were sent and served on the parties. But neither of the parties choose to appear before the Tribunal. On 30th October, 1969, a letter was received from the employers, stating that the affected workman was selected and was being posted for training as Assistant to the Internal Auditor and therefore there would be no occasion to proceed with the reference. Till today no party has appeared. This fact probablises that no more dispute is pending between the parties. Otherwise there is no meaning in neither party appearing before this Tribunal. Thus, I find that there is no dispute left between the parties to be adjudicated and determined. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd.) N. VENKATA RAO,

Presiding Officer.

[No. 24/1/68/LRIII.]

New Delhi, the 10th December 1969

S.O. 4987.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur in the industrial dispute between the employers in relation to the Punjab National Bank Limited and their workmen, which was received by the Central Government on the 4th December, 1969.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR

CAMP AT ALLAHABAD

Dated November 17, 1969

PRESENT:

Shri G. C. Agarwala, Presiding Officer.

CASE REF. No. CGITILC(R)(16)/1969

PARTIES:

Employers in relation to the Punjab National Bank Limited Vs. Their workmen.

REFERENCE:

For Bank—Sri R. P. Raizada, Staff Officer.

For Workmen—Sri P. N. Sharma, Secretary, M.P. Bank Employees Association.

INDUSTRY: Bank

DISTRICT: Gwalior (M.P.).

AWARD

By Notification No. 23/19/69-LRIII, dated 22nd March, 1969, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), Government of India referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal for adjudication:—

Matter of Dispute

Whether the action of the management of the Punjab National Bank Limited in terminating the services of Shri S. S. Sharma, Peon at their Naya Bazar Lashkar Branch, Gwalior (M.P.) with effect from the 11th November, 1968 is justified? If not, to what relief is he entitled?

2. The facts are short and simple. The workman concerned, Sri S. S. Sharma, to be hereinafter called Sharma, had been working as a temporary peon at Naya Bazar Branch office, Lashkar, Gwalior from March 1966 with practically little or no break in service till he was discharged on 11th November, 1968. According to the Union, M.P. Bank Employees Association, which sponsored the dispute his services were wrongly terminated because he pressed for confirmation and benefits of provident fund. It is stated by the Union that no appointment letter was given to him by the Bank in violation of paragraph 495 of the Sastri award. His services were terminated without assigning any reason and without following the procedure prescribed by paragraph 18.22 of the Desai award. He should be deemed to have been on probation and confirmed as a permanent employee of the Bank. On behalf of the Bank, it was, however, pleaded that Sharma had been a temporary employee throughout in various stop-gap arrangements. His services came to an automatic end on 11th November, 1968 as the arrangement in which he had been officiating came to an end. It was denied that there was any malafide intention in terminating his services.

3. It was admitted by the Bank that no appointment letter was given to Sri S. S. Sharma. The Manager of the Bank, Sri M. C. Gambhir, who came in evidence for the Bank stated that Sri Sharma had been a temporary peon in leave and stop-gap arrangements and that although no appointment letters were given as and when he officiated in temporary arrangements, yet the fact had been mentioned in office orders which he used to sign. The Bank, therefore, was required to file the relevant office orders and arguments in the case were postponed. Sri R. P. Raizada, Staff Officer of the Bank, on the adjourned date stated that there were no office orders for various appointments of Sharma and therefore there was no question of his signatures having been obtained on any such office orders. The statement of Sri Gambhir is alleged to have been made under some misunderstanding. He relied on the attendance registers, extracts of which were filed as Ex. E/2 and the supplementary salary bill register (Ex. E/3) which Sharma used to sign while receiving payment. It was further stated that monthly statement of Temporary appointments used to be sent to the regional office and true copies of which have been filed as Ex. E-1/A to E-1/H. These of course had no signatures of the employees. The mere fact that Sharma had been receiving monthly salary through supplementary salary bill register which is meant only for temporary employees does not indicate that Sharma had knowledge in whose place he was working. All that could be implied was that he knew the fact that he was a temporary employee. This of course cannot be denied. The fact, however, remains that even with the knowledge that he was a temporary employee he had no means of knowing for what period and in whose arrangement he had been employed. It is precisely for this reason that paragraph 495 of the Sastri award prescribed as follows:—

"We further direct that on a candidate's appointment as a temporary employee, a probationer or a permanent member of the staff, the Bank shall give him a written order specifying the kind of appointment and the pay and allowances to which he would be entitled and that such a written order shall be given on the appointment of a part-time employee also."

Evidently, this provision which was a mandatory nature had been violated by the Bank. Had there been office orders and signature of Sharma obtained thereon there could be a presumption that he knew in whose vacancy and for what

period he was officiating. Without that he had no means of knowing the same. In paragraph 2 of the written statement, the Bank gave the various leave arrangements in which Sharma is said to have been employed. It would be material to reproduce the same and for the sake of comparison the period and the arrangements as mentioned in the rejoinder are also mentioned.

Particulars of leave stop-gap arrangements as stated in the Bank's written statement.

Particulars of leave stop-gap arrangements as stated in the Bank's rejoinder.

	18-3-66 to 31-3-66—In place of Sri P.C. Pant who officiated as clerk in place of Shr M.L. Ailawadi promoted as supervisor.
	1-4-66 to 30-4-66 } —In place of Sri P.C. 1-5-66 to 31-5-66 } — Pant who officiated as clerk in place of Sri M.L. Ailawadi promoted as supervisor.
..	1-6-66 to 27-6-66— In place of Sri Pant who officiated as clerk in leave arrangements of clerical staff for whole month.
..	4 7-66 to 31-7-66 Do.
..	1-8-66 to 31-8-66 Do. Do.
..	1-9-66 to 15-9-66 Do. for 15 days.
..	19-9-66 to 30-9-66 Do. for 12 days.
..	1-10-66 to 31-10-66 Do. for full month
..	1-11-66 to 8-11-66 Do. for 8 days.
10-11-66 to 30-11-66 (In place of Bhanwar Lal Peon who was on leave.)	10-11-66 to 30-11-66 (In place of Bhanwar Lal Peon who was on leave).
1-12-66 to 12-12-66—(In place of P. C. Pant who worked as a clerk in place of R.P. Madan officiated supervisor).	1-12-66 to 11-12-66—(In place of P.C. Pant who worked as clerk in place of R.P. Madan officiated supervisor).
13-12-66 to 12-1-67.—(Appointed for one month as an additional peon.)	12-12-66 to 31-12-66—(A temporary capacity as additional peon.)
13-1-67 to 29-1-67—(In place of P. C. Pant who officiated as a clerk in the various leave arrangements of clerks).	1-1-67 to 31-1-67 —(In place of P. C. Pant who officiated as a clerk in the various leave arrangements of clerks).
30-1-67 to 7-4-68 —(In place of K.M. Sharma, ex-cash peon, who was suspended on 30-1-67 and his services were terminated on 26-10-67, his relief i.e., Abdul Aziz Khan joined this office on 8-4-68).	1-2-67 to 15-2-67—(In place of P. C. Pant who officiated as a clerk in the various leave arrangements of clerks).
8-4-68 to 27-4-68 (28-4-68—Sunday). (In place of P. C. Pant who worked in place of P. K. Sahni officiated as supervisor).	16-2-67 to 28-2-67—(In place of K.M. Sharma ex-cash peon, who was suspended on 30-1-67 and his services were terminated on 26-10-67, his relief i.e., Abdul Aziz Khan joined this office on 8-4-1968).
3-5-68 to 25-5-68 (26-5-68 being Sunday)— (In place of P. C. Pant who worked as a clerk in place of P. K. Sahni officiated as supervisor in place of H. C. Bhatia supervisor on leave.)	1-3-67 to 15-3-67—(In place of P. C. Pant who officiated as a clerk in the various leave arrangement of clerks).
27-5-68 to 29-5-68 (In place of D. C. Khanna on duty at Jabalpur to attend Court).	16-3-67 to 31-3-67—(In place of K.M. Sharma Ex-cash peon, who was suspended on 30-1-67 and his services were terminated on 26-10-67).

30-5-68 to 31-5-68— (In place of P. C. Pant who worked in place of K. S. Dixit clerk on leave).	1-4-67 to 15-4-67—(In place of P. C. Pant who was on leave).
1-6-68 to 16-6-68— (In place of P. C. Pant who worked in place of P. K. Sahni himself on leave).	16-4-67 to 30-4-67—(In place of K.M. Sharma under suspension).
17-6-68 to 20-6-68— (In place of P. C. Pant who worked in place of H.R. Sharma on leave).	1-5-67 to 15-5-67—(In place of P. C. Pant who officiated as clerk on various leave arrangements).
21-6-68 to 30-6-68— (In place of P. C. Pant who worked in place of P. K. Sahni officiating supervisor in place of D.C. Masta transferred to Baran).	16-5-67 to 15-6-67—(In place of K.M. Sharma Ex-cash peon who was superseded on 30-1-67 and his services were terminated on 26-10-67).
1-10-68 to 11-11-68— (In place of P. C. Pant who worked in place of R.P. Madan who officiated as supervisor in place of D. C. Masta since transferred to Baran).	16-6-67 to 30-6-67 Do.
..	1-7-67 to 15-10-67—(In place of K. M. Sharma, Ex-cash peon who was superseded on 30-1-67 and his services were terminated on 26-10-67).
..	16-10-67 to 7-4-68—(In place of K. M. Sharma, whose services were terminated on 26-10-67).
..	8-4-68 to 27-4-68—(In place of P. C. Pant who officiated as clerk in the various leave arrangement of clerks).
..	3-5-68 to 11-11-68—(In place of P. C. Pant who officiated as clerk in the various leave arrangement of clerks.)

4. It may be noted that there is no mention of his service prior to 10th November, 1966 in the written statement. This has been stated in the rejoinder only. For his employment from 10th November, 1966 to 11th November, 1968 there is material difference in what has been mentioned in the written statement and given in the rejoinder. A comparison of the two would show this and it is not necessary to point out the differences specifically. It is significant to note that in the written statement, it has been conceded that there had been no break in service from 10th November, 1966 to 11th November, 1968. For the period 29th April, 1968 to 2nd May, 1968 when there was no arrangement available he was treated on leave. Only in the rejoinder an attempt was made to show that there was a break in service for these four days. The fact, therefore, remains that Sharma had been kept practically in continuous employment from March 1966 and whenever there was no officiating arrangement available, he was made an additional peon. Paragraphs 21.20 and 23.15 of the Desai award define the various category of employees as permanent, probationer and temporary. A "temporary employee" means an employee who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional employee in connection with temporary increase of work of a permanent nature and includes an employee other than a permanent employee who is appointed in a temporary vacancy of a permanent workman. This definition of a "temporary employee" was superseded in paragraph 20.7 of the Bi-partite Settlement which has been made effective with effect from 1st November, 1966. The definition runs as follows:—

"In supersession of paragraph 21.20 and sub-clause (c) of paragraph 23.15 of the Desai award, "Temporary Employee" will mean a workman who

has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman."

It may be material to note that in paragraph 20.8 there is a clear direction that temporary appointment shall not exceed a period of three months in case of a permanent vacancy. It is further stated that the period of temporary employment shall be taken into account. It will be noticed in the case of Sharma that at least two arrangements as mentioned in the written statement viz. (1) period from 30th January, 1967 to 7th April, 1968 Sharma was shown to have been working in place of Sri K. M. Sharma, Ex-cash-peon, who was suspended on 30th January, 1967 and whose services were terminated on 26th October, 1967. When Sharma was allowed to continue in this vacancy he should have been made permanent on termination of service of the employee in whose place he had been officiating. It may further be noticed that from 8th April, 1968, he was shown to have officiated in place of Sri P. C. Pant who himself had officiated in various leave arrangements of clerks. It is, therefore, manifest that Sharma had been employed for more than three months in place of Sri P. C. Pant. If for arguments sake, it is assumed that Sharma was not covered by paragraph 20.7 so as to attract paragraph 20.8 of the Bi-partite Settlement, then he would be covered by paragraph 20.10 of the Bi-partite Settlement as he had continuously worked for a period aggregating over 240 working days. He shall be deemed to have taken on probation. The action of the Bank in terminating his employment after having kept him employed for nearly 2½ years with practically no break is on the face of it an unfair labour practice. According to Sharma, he had been first appointed in place of Sri Bhikam Singh from 18th March, 1966 till 20th January, 1967. After that he worked in place of Krishna Murari who was first suspended and later on died. He stated that he demanded that his provident fund should be deducted and because he pressed for the same therefore his services were terminated on 11th November, 1968. He was never told that he was being retained in short leave vacancies. For appointment letters, the manager first demanded school certificate and after he furnished the same, he was told by the Manager that he was waiting for instructions from D. M.'s office. There is no controverting evidence against this. From the circumstances stated above, there is every reason to believe the statement of Sharma that he was never told that he had been working in short leave and stop-gap arrangements. The Bank to fill up records and regularise his appointment may have shown him as a temporary employee in different stop-gap arrangements in the monthly statements sent to the regional office and of which Sharma could have had no knowledge.

5. It may be pertinent to observe that the Bank has already employed him as a probationer in Sagar Branch from 16th April, 1969. That may be so, but in giving him a fresh appointment as a probationer in a permanent vacancy from 16th April, 1969 he is losing the benefit of his past service and increments to which he is justifiably entitled.

Decision:

The result is that first part of the issue under reference is answered in negative. It is held that the termination of service of Sri S. S. Sharma from 11th November, 1969 was unjustified. As to the relief, since Sri Sharma has already been re-employed as a probationer it is hereby directed that all the previous service rendered by him as a temporary employee with effect from 18th March, 1966 will go to his credit for seniority, increments and all other attendant benefits. The Union shall be entitled to Rs. 100/- as costs from the Bank.

(Sd.) G. C. AGARWALA,

Presiding Officer.

17-11-1969.

[No. 23/19/69/LRIII.]

New Delhi, the 12th December 1969

S.O. 4988.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Delhi in the industrial dispute between the employers in relation to the United Commercial Bank Limited, New Delhi and their workmen, which was received by the Central Government on the 8th December, 1969.

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, DELHI

PRESENT:

Shri R. K. Baweja,
Central Government Industrial Tribunal, Delhi

Dated the 25th November 1969

I.D. No. 3 of 1968

BETWEEN

The Management of United Commercial Bank Limited, Parliament Street, New
Delhi.

AND

Their workmen as represented by United Commercial Bank Employees Union,
4778, Ballimaran, Chandni Chowk, Delhi.

Shri Ghaiye—for the management.

Shri M. S. Gupta along with Shri Kanti Lal Bagga workman concerned—for
the Union.

AWARD

Vide Order No. 51/53/67/LRIII dated the 3rd January, 1968, the Central Government referred an industrial dispute existing between the employers in relation to the United Commercial Bank Ltd., and their workmen with the following term of reference:—

"Whether the action of the management of the United Commercial Bank Limited, Parliament Street, New Delhi in reducing the salary of Shri Kanti Lal Bagga, a workman of the Parliament Street Branch of the Bank, by Rs. 30/- per month was justified? If not, to what relief is the workman entitled?"

2. Today this case came up before me in the presence of Shri Kanti Lal Bagga, concerned workman and his representative Shri M. S. Gupta and Shri B. R. Ghaiye, representative of the management. A joint memorandum of settlement was presented before me which has been verified by the above persons. I, therefore, pass an award in terms of the settlement Annexure 'A' which shall form part of this award.

25th November, 1969.

(Sd.) R. K. BAWEJA,
Central Government Industrial Tribunal, Delhi.

ANNEXURE 'A'

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. CASE No. 3 of 1968

In the matter of Industrial Dispute Between the Management of the United Commercial Bank and its Workmen.

The Joint Application of the Management abovenamed and its Workmen represented by the United Commercial Bank Employees Union.

1. That the dispute under reference has been amicably settled between parties as under:—

(A) Shri Kanti Lal Bagga, the workman concerned in the dispute, has withdrawn all his contentions and claims covered by the reference before the Hon'ble Tribunal.

(B) On and from 1st October, 1969 the Management will designate Shri Kanti Lal Bagga and the latter shall from the said date work as air-conditioning plant helper-cum-liftman and will perform all duties appropriate to such designation as may be required by the Management.

(C) As an air-conditioning plant helper-cum-liftman, Shri Kanti Lal Bagga will be entitled to and be paid by the Bank, besides basic pay (which, at present, is Rs. 122/- including an increment with effect from 5th August 1969) in the scale

applicable to the Bank's subordinate staff under the Bipartite Settlement dated 19th October, 1968 and dearness and house rent allowance as applicable under the said Settlement, a Special Allowance of Rs. 35/- per mensem (instead of Rs. 7/- per mensem drawn by him at present as a liftman) as provided in the said Bipartite Settlement. Shri Kanti Lal Bagga has accepted the above terms, as they are fair and advantageous to him, and has agreed to withdraw all his claims against the management of the Bank.

(D) This settlement is fair and binding on both the parties including the said workman, Shri Kanti Lal Bagga, and is deemed to have fully and finally settled all claims which Shri Kanti Lal Bagga may have against the Bank and may be outstanding.

2. That the parties submit that the settlement is fair and that the same may be recorded, and the reference before the Hon'ble Tribunal may be disposed of accordingly.

For United Commercial Bank.
(Sd.) K. V. SHENOY
Regional Manager,
Delhi and U.P.

for United Commercial Bank
Employees Union.
(Sd.) M. S. GUPTA,
Organising Secretary.

(Sd.) KANTI LAL BAGGA,
Workman.

(Sd.) N. N. BHALLA.

(Sd.) B. R. GHAIYE,
for Management.

New Delhi, 15th November 1969.

[No. 51/53/67/LRIII.]

ORDERS

New Delhi, the 8th December 1969

S.O. 4989.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Royal Exchange Assurance, Kanpur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. P. Gupta shall be the Presiding Officer, with headquarters at Allahabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the management of the Royal Exchange Assurance, Kanpur is justified in terminating the services of Shri M. L. Yadav, Stenographer/Clerk with effect from the 16th July, 1969? If not, to what relief the employee is entitled?"

[No. 40/13/69-LRI.]

New Delhi, the 9th December 1969

S.O. 4990.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the National and Grindlays Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the National and Grindlays Bank Limited, Calcutta in making appointments to seven posts in the subordinate category of staff during the period from the 27th January to the 7th April, 1969, was justified, having regard to the established practice of notifying the vacancies for the benefit of the relatives of the workmen and understanding reached on the 17th August, 1967, between the bank and the National and Grindlays Bank Staff Union. If not, what should be the procedure to be adopted by the bank to get the vacancies filled up afresh?"

[No. 23/106/69-LRIII.]

New Delhi, the 10th December 1969

S.O.4991.—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before Thiru B. S. Somasundaram, Presiding Officer, Industrial Tribunal, Madras;

And whereas the services of Thiru B. S. Somasundaram have ceased to be available ;

Now, Therefore, in exercise of the powers conferred by section 7A, and sub-section (i) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Thiru S. Swamikkannu as the Presiding Officer, with headquarters at Madras, withdraws the proceedings in relation to the said disputes from Thiru B. S. Somasundaram and transfer the same to the said Industrial Tribunal, Madras for the disposal of the said proceedings with the direction that the said Tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Reference No. on the file of the Tribunal	Notification No. and date	Parties to the dispute
1	2	3	4
1	I.D. No. 87/68	51/42/67/LRIII dated 5-4-68	Workmen and the management of Indian Bank Ltd., Madras.
2	I.D. No. 31/69	23/115/68/LRIII dated 20-3-69	Workmen and the management of Punjab National Bank Ltd., Madras.
3	I.D. No. 34/69	23/133/68/LRIII dated 7-7-69	Do.

[No. 24/31/69/LRIII]

S.O.4992.—Whereas the industrial dispute specified in the Schedule hereto annexed is pending before Thiru A. Varadarajan, Presiding Officer, Industrial Tribunal, Madras;

And whereas the services of Thiru Varadarajan have ceased to be available ;

Now, Therefore, in exercise of the powers conferred by section 7A, and sub-section (i) of section 33B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Thiru S. Swamikkannu as the Presiding Officer, with headquarters at Madras, withdraws the proceedings in relation to the said dispute from Thiru A. Varadarajan and transfer the same to the said Industrial Tribunal, Madras, for the disposal of the said proceedings with the direction that the said tribunal shall proceed with the proceedings from the stage at which they are transferred to it and dispose of the same according to law.

SCHEDULE

Sl. No.	Reference No. on the file of the Tribunal	Notification No. and date	Parties to the dispute
1	2	3	4
1	..	23/64/69/LRIII dated 10-10-69	Workmen and the management of the National and Grindlays Bank Limited, Madras-1.

[No. 24/31/69/LRIII].

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 6th December 1969

S.O. 4993.—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, having regard to the location of the Government Photo Registry, Poona in an area in which the provisions of Chapters IV and V of the Act are in force, hereby exempts the said Registry from the payment of the employers' special contribution leviable under Chapter VA of the said Act for a period of one year with effect from the 11th August, 1969 upto and inclusive of the 10th August, 1970.

[No. F. 6(56)/69-HI.]

New Delhi, the 9th December 1969

S.O. 4994.—Whereas the Central Government is satisfied that the employees of the National Coal Development Corporation Limited Press at Ranchi are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the above mentioned press from the operation of the said Act for a further period of one year with effect from the 26th October, 1969, upto and inclusive of the 25th October, 1970.

[No. F. 6 (15)/67-HI.]

S.O. 4995.—Whereas the State Government of Rajasthan has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948, (34 of 1948), nominated Dr. B. M. Sharma, Deputy Director of Health Services (Employees' State Insurance Scheme), Government of Rajasthan to be a member of the Medical Benefit council in place of Dr. D. N. Roy;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2899 dated the 27th September, 1966, namely:—

In the said notification, under the heading "[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]", for the entry against item (15), the following entry shall be substituted, namely:—

"Dr. B. M. Sharma, Deputy Director of Health Services, (Employees' State Insurance Scheme), Government of Rajasthan, Jaipur".

[No. F. 3/3/69-HI.]

S.O. 4996.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952, (19 of 1952), the Central Government hereby appoints Shri G. Gangadhara to be an Inspector for the whole of the State of Mysore, for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry.

[No. 20(17)/69-PF. I.]

श्रम, रोजगार और पुनर्वासि मंत्रालय

(श्रम तथा रोजगार विभाग)

नई दिल्ली, 9 दिसम्बर, 1969

का० आ० 4996:—कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उक्त अधिनियम के और केन्द्रीय सरकार के या उसके नियंत्रण के अधीन किसी स्थापन के संबंध में अथवा किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंध किसी स्थापन के संबंध में तद्धीन बनाई गई किसी स्कीम के प्रयोजनार्थ श्री जी० गंगाधर को समस्त मैसूर राज्य के लिए एतद्वारा निरीक्षक नियुक्त करती है।

[सं० 20 (17) / 69-पी० एफ० 1]

New Delhi, the 15th December 1969

S.O. 4997.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3466, dated the 20th August, 1969, namely:—

In the said notification, the words "Saktipada Kar" shall be omitted.

[No. 21(6)/68-PF.I.]

नई दिल्ली, 15 दिसम्बर, 1969

का० आ० 4997:—कर्मचारी भविष्य-निधि अधिनियम की धारा 13 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अभिसूचना सं० का० आ० 3466, तारीख 20 अगस्त, 1969 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात:

उक्त अभिसूचना में, "शक्ति पद कर" शब्द लुप्त हो जाएगा।

[सं० 21(6)/68-प्रा० फ० I]

CORRIGENDA

New Delhi, the 9th December 1969

S.O. 4998.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3460 dated the 20th August, 1969, published at pages 3697-3698 of the Gazette of India, Part II Section 3 (ii) at page 3697 in line 11 from bottom for "13(21)/69-HI"

Read "13(21)/59-HI"

[No. F. 13(20)/68-HI.]

New Delhi, the 15th December 1969

S.O. 4999.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3886, dated the 17th September, 1969, published at page 4192 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 27th September, 1969.

in line 4 for "10th August, 1968" read "10th August, 1959".

[No. 20(9)/68-PF. I(i).]

DALJIT SINGH, Under Secy.

शुद्धि पत्र

नई दिल्ली, 15 दिसम्बर, 1969

क्रा० आ० 4999 :—भारत सरकार के श्रम, नियोजन और पुनर्वासि मंत्रालय (श्रम और नियोजन विभाग) की भारत के राजपत्र, तारीख 27 सितम्बर, 1969 भाग 2, खण्ड 3, उपखण्ड (2) के दृष्ट 4193 पर प्रकाशित अधिवृत्ति सं० क्रा० आ० 3890, तारीख 17 सितम्बर, 1969 में।

पंक्ति 3 में "10 अगस्त, 1968" के स्थान पर "10 अगस्त, 1959" पढ़िए।

[सं० 20(9)/68 पी० एफ० I (i)]

दलजीत सिंह, अध्वर सचिव।

(Department of Labour and Employment)

ORDER

New Delhi, the 12th December 1969

S.O. 5000.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the M/s. Ram Bharos Shaw & Co. Contractor, Calcutta, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

"Whether the demand of the watchmen employed by M/s. Ram Bharos Shaw & Co., 4/2 Ward's Institution Street, Calcutta-6 for interim relief and dearness allowance as recommended by the Central Wage Board for Port and Dock Workers is justified? If so, from what date?"

[No. 28(20)/69-LWI-III.]

C. RAMDAS, Dy. Secy.

पोत परिवहन तथा परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 23 अक्तूबर, 1969

सा० क्र० नि० 2522 :—संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति लालबहादुर शास्त्री नाटिकल एण्ड इंजीनियरिंग कालिज (वर्ग 2—राजपत्रित

पद) भर्ती नियम 1969 में श्रीर आगे संशोधन करने के लिये एतद्वारा निम्नलिखित नियम बनाते हैं
अर्थात् :—

1. (1) ये नियम लाल बहादुर शास्त्री नाटिकल एण्ड इंजीनियरिंग कालिज (वर्ग 2—
राजपत्रित पद) भर्ती (संशोधन) नियम 1969 कहे जा सकेंगे।

(2) वैशासकीय पत्र में अपने प्रकाशन की तारीख को प्रवृत्त हो जाएंगे।

2. लाल बहादुर शास्त्री नाटिकल एण्ड इंजीनियरिंग कालिज (वर्ग 2—राजपत्रित पद)
भर्ती नियम 1969 की अनुसूची में स्तम्भ 7 में उपशीर्ष "आवश्यक" के अन्तर्गत क्रम संख्या 4 पर
"राष्ट्र अनुदेशक एवं तकनीकी" पद के सामने मद (1) के स्थान पर निम्नलिखित मद प्रतिस्थापित की
जायेगी अर्थात् :—

"दूर संचार इंजीनियरी में किसी मान्यता प्राप्त विश्वविद्यालय की डिग्री या समतुल्य या"।

[सं० 23-एम० टी० (25)/56-2]

एच० सी० कक्कड़, अवर सचिव।

MINISTRY OF EDUCATION AND YOUTH SERVICES

New Delhi, the 5th December 1969

S.O. 5001.—The Central Government having nominated Dr. B. D. Nag Chaudhuri and Shri S. R. Mehta to be members of the Council in pursuance of clause (h) of sub-section (2) of section 31 of the Institutes of Technology Act, 1961 (59 of 1961), the following amendment is hereby made in the notification of the Government of India in the late Ministry of Scientific Research and Cultural Affairs No. F. 24-5/62-T.6 dated the 9th May, 1962, namely :

In the said notification, under the heading "II. Representatives of the Central Government" in item (h) for the entries (i) and (ii), the following shall be substituted, namely :—

"(i) Dr. B. D. Nag Chaudhuri, Member (Education and Science), Planning Commission, New Delhi.

(ii) Shri S. R. Mehta, Financial Adviser, Ministry of Finance, New Delhi."

[No. F. 10/13/69-T.6.]

G. N. VASWANI,

Deputy Educational Adviser (Tech.)

शिक्षा तथा युवक सेवा मंत्रालय

नई दिल्ली, 5 दिसम्बर, 1969

एस० नो० 5001 :—प्रौद्योगिक संस्थान अधिनियम 1961 (1961 का 59) के खण्ड 31] के उपखण्ड (3) के अनुच्छेद (एच) का अनुसरण करते हुए, केन्द्रीय सरकार द्वारा डा० बी० डी० नाग चौधरी तथा श्री एस० आर० सहता को परिषद् का सदस्य मनोमीत किए जाने

पर भारत सरकार के भूतपूर्व वैज्ञानिक अनुसंधान तथा सांस्कृतिक कार्य मंत्रालय की अधिसूचना संख्या एफ 24/5/62 टी० 6, दिनांक 9 मई, 1962 में एतद्वारा निम्नलिखित संशोधन किए जाते हैं।
अर्थात् :—

उपरोक्त अधिसूचना में। “केन्द्रीय सरकार के प्रतिनिधि” शीर्ष के अन्तर्गत मव (एच) में (1) और (11) प्रतिष्ठियों के स्थान पर निम्नलिखित प्रतिस्थापित किया जाय, अर्थात् :—

“1. डा० बी० डी० नरगचौधुरी,
सदस्य (शिक्षा तथा विज्ञान),
योजना आयोग,
नई दिल्ली।

2. श्री एत० आर० महता,
वित्तीय सलाहकार,
वित्त मंत्रालय,
नई दिल्ली।”

[सं० एफ० 10/13/69-टी० 6]

जी० एन० वासवानी,
उप शिक्षा सलाहकार (तकनीकी)

(Cultural Activities Division I)

New Delhi, the 13th December 1969

S.O. 5022 —In exercise of the powers conferred by section 38 of the Ancient Monuments and Archaeological Sites, and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following rules further to amend the Ancient Monuments and Archaeological Sites and Remains Rules 1959, the same having been previously published as required by sub-section (1) of the said section, namely :—

1. These rules may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment) Rules, 1969.
2. In the Ancient Monuments and Archaeological Sites and Remains Rules, 1959—

(a) in rule 5, for the proviso to sub-rule

(1), the following proviso shall be substituted, namely:—

“Provided that an archaeological officer, or any officer of the Archaeological Survey of India authorised by him in this behalf, may, by notice to be exhibited in a conspicuous part of a protected monument, direct that the protected monument or part thereof shall—

- (i) be kept open beyond the said period; or
- (ii) be closed temporarily for such period as may be specified in the notice”;

(b) in rule 6,—

- (i) for the words “twenty naye paise” the words “fifty paise” shall be substituted;
- (ii) the following proviso shall be inserted at the end, namely:—

“Provided also that the Director-General may, by order, direct that, on such occasions and for such periods as may be specified in the order, no fee shall be charged for entry into a protected monument or part thereof.”;

(c) for the First Schedule and the Second Schedule, the following Schedules shall be substituted, namely :—

“FIRST SCHEDULE

Hours during which certain monuments or part thereof will remain open (vide rule 5)

Serial No.	State	District	Locality	Name of monument	Part of monument which shall remain open during hours other than from sunrise to sunset	Hours of opening
1	2	3	4	5	6	7
1	Andhra Pradesh	Hyderabad	Hyderabad City	Char Minar	(i) Second storey and upwards (ii) Remaining area	(i) From 9 a.m. to 5.30 p.m. or sunset whichever is earlier. (ii) From sunrise to 10 p.m.

1	2	3	4	5	6	7
2	Bihar . . .	Patna	Kumrahar	Site of Mauryan Palace	Whole	From 9 a.m. to 5-30 p.m. or sunset whichever is earlier.
3	Bihar . . .	Patna	Nalanda (Bargaon)	All mounds, structures and buildings enclosed in the acquired area	Fenced area containing excavated remains	Do.
4	Delhi . . .	Delhi	Delhi Zail	Afsar Wala-ki-Masjid	Garden	From sunrise to 10 p.m.
5	Delhi . . .	Delhi	Delhi Zail	Gateways of Abadi	Garden	Do.
6	Delhi . . .	Delhi	Delhi Zail	Bagh Bu-Halima	Whole	Do.
7	Delhi . . .	Delhi	Delhi Zail	Jantar Mantar	Whole	Do.
8	Delhi . . .	Delhi	Delhi Zail	Kotla Firoz Shah	Garden	Do.
9	Delhi . . .	Delhi	Delhi Zail	Tomb of Afsar Wala	Garden	Do.
10	Delhi . . .	Delhi	Mehrauli Zail	Tomb of Khan Khanan	Garden	Do.
11	Delhi . . .	Delhi	Mehrauli Zail	Group of buildings at Hauz Khas	Garden	Do.
12	Madras . . .	South Arcot	Gingee	Qutab archaeological area	Garden	Do.
13	Maharashtra . . .	Aurangabad	Ajanta	Fortress including monuments on Krishnagiri and Rajagiri hills	Whole	From 9 a.m. to 5-30 p.m. or sunset whichever is earlier.
14	Maharashtra . . .	Aurangabad	Aurangabad	Ajanta Caves	Whole	Do.
15	Maharashtra . . .	Bombay (Suburban)	Kanheri	Tomb of Rabia Daurani (Bibi-ka-Maqbara)	Garden	From sunrise to 10 p.m.
16	Maharashtra . . .	Bombay (Suburban)	Kanheri	Buddhist Caves	Whole	From 9 a.m. to 5-30 p.m. or sunset whichever is earlier.
17	Maharashtra . . .	Kolaba	Gharapuri	Elephanta Caves	Whole	Do.
18	Mysore . . .	Poona	Karla	Cave temples and Inscriptions	Whole	Do.
19	Mysore . . .	Bangalore	Bangalore	Tipu Sultan's Palace	Garden	From sunrise to 10 p.m.
20	Mysore . . .	Bijapur	Bijapur	Gol Gumbaz	Garden	Do.
21	Mysore . . .	Mandya	Seringapatam	Daria Daulat Bagh	(i) Palace	(i) From 9 a.m. to 5-30 p.m. or sunset whichever is earlier.
					(ii) Garden	(ii) From sunrise to 10 p.m.
21	Mysore . . .	Mysore	Somanathpur	Kesava temple	Whole	From 9 a.m. to 5-30 p.m. or sunset whichever is earlier.

22	Rajasthan	Ajmer	Ajmer	Marble pavilion and balustrade on the Anasagar Bund and the ruins of the marble Hamam behind the Anasagar Dam	Whole	From sunrise to 10 p.m.
23	Uttar Pradesh	Agra	Agra	Taj Mahal	Whole	From sunrise to 10 p.m. On full-moon days and four days preceding and following from sunrise to 12 p.m. (Midnight)
24	Uttar Pradesh	Lucknow	Lucknow	Residency buildings (i) Model Room		(i) from 9 a. m. to 5-30 p.m. or sunset whichever is earlier.
				(ii) Garden		(ii) From sunrise to 10 p.m.

SECOND SCHEDULE

Monuments or parts thereof entry into which can be had only on payment of fee (vide rule 6).

Serial No.	State	District	Locality	Name of monument	Part of monument for which payment of fee is required
1	2	3	4	5	6
1	Andhra Pradesh	Hyderabad	Hyderabad City	Char Minar	Second storey and upwards
2	Bihar	Patna	Kumrahar	Site of Mauryan Palace	Whole
3	Bihar	Patna	Nalanda (Bargaon)	All mounds, structures and buildings enclosed in the acquired area	Fenced area containing excavated remains
4	Delhi	Delhi	Delhi Zail (Shahjahanabad)	Delhi Fort	Archaeological Area
5	Delhi	Delhi	Delhi Zail	Humayun's Tomb, its platform, gardens enclosure walls and gateway	Whole
6	Delhi	Delhi	Delhi Zail	Tomb of Safdarjung with all its enclosure walls, gateway, garden and the mosque on the east side of the garden.	Whole
7	Delhi	Delhi	Mehrauli Zail	Qutb—Archaeological area	Minar of Qutbuddin
8	Madhya Pradesh	Chattarpur	Khajuraho	Western group of temples	Whole except the Matangesvara temple
9	Madhya Pradesh	Raisen	Sanchi	Buddhist Monuments	Whole
10	Madras	South Arcot	Gingee	Fortress including monuments on Krishnagiri and Rajagiri hills	Whole
11	Maharashtra	Aurangabad	Ajanta	Ajanta Caves	Whole
12	Maharashtra	Aurangabad	Aurangabad	Tomb of Rabia Daurani (Bibi-ka-Maqbara)	Monuments and gardens within the enclosure wall and gateway
13	Maharashtra	Aurangabad	Ellora	Ellora Caves	Cave No. 16 (Kailasa)
14	Maharashtra	Bombay (Suburban)	Kanheri	Buddhist Caves	Whole
15	Maharashtra	Kolaba	Gharapuri	Elephanta Caves	Cave Nos. 1 to 5 and fenced area in front
16	Maharashtra	Poona	Karla	Cave temples and inscriptions	Whole
17	Mysore	Bijapur	Bijapur	Gol Gumbaz	The Mausoleum
18	Mysore	Mandya	Seringapatam	Daria Daulat Bagh	Palace
19	Mysore	Mysore	Somanathpur	Kesava temple	Whole
20	Rajasthan	Chittorgarh	Chittor	Fort of Chittor	Victory Tower
21	Uttar Pradesh	Agra	Agra	Agra Fort	Archaeological area
22	Uttar Pradesh	Agra	Agra	Itmad-ud-Daulat Tomb	Whole

23	Uttar Pradesh	Agra	Agra	Taj Group of monuments	The Taj and its garden and grounds including the Jawab on the east, the pavilions on east and west sides of the grounds as well as all the towers (except the two towers flanking the Masjid) and the Great South Entrance Gateway with the cloisters on its flanks, the old Maghal Aquaduct in the Taj with the Central Marble Tank, the well at the Taj Garden and the drinking fountain in the west enclosure wall of the Taj Garden.
24	Uttar Pradesh	Agra	Fatehpur Sikri	Fatehpur Sikri group of monuments	The entire area bounded on the south by the compound wall to the south of Jodhbai Palace and further eastwards by the road leading to the southern entrance of Diwan-i-Am quadrangle ; on the east by the Diwan-i-Am quadrangle, on the north by the walls enclosing the Diwan-i-Khas, Ankh-Michauli, Hospital Zanana Garden and Birbals daughter's palace and on the west by the wall enclosing the horse's stable.
25	Uttar Pradesh	Agra	Sikandara	Akbar's Tomb	Whole
26	Uttar Pradesh	Lucknow	Lucknow	Residency buildings	Model Room."

[No. F. 28/1/68-CAI(1).]

P. SOMASEKHARAN, Dy. Secy.

(सांस्कृतिक कार्यकलाप प्रभाग I)

नई दिल्ली, 13 दिसम्बर, 1969

एस० नो० 5002 :—प्राचीन स्मारक तथा पुरातत्वीय स्थान तथा पुरावशेष अधिनियम, 1958 (1958 का 24) की धारा 38 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार प्राचीन स्मारक तथा पुरातत्वीय स्थान और पुरावशेष नियम, 1959, में जो उक्त खंड के उप-खंड (1) की अपेक्षानुसार पहले प्रकाशित किये जा चुके हैं, और आगे संशोधन करने के लिये एतद् द्वारा निम्नलिखित नियम बनाती है, अर्थात् :—

1. ये नियम प्राचीन स्मारक तथा पुरातत्व स्थान और पुरावशेष (संशोधन) नियम, 1969 कहे जा सकेंगे।

2. प्राचीन स्मारक तथा पुरातत्व स्थान और पुरावशेष नियम, 1959 में,

(क) नियम 5 के उपनियम (1) के परन्तुक के स्थान पर निम्नलिखित परन्तुक प्रतिस्थापित किया जाएगा, अर्थात् —

“परन्तु पुरातत्व अधिकारी, अथवा इस निमित्त उसके द्वारा प्राधिकृत भारतीय पुरातत्व सर्वेक्षण का कोई अधिकारी, किसी सुरक्षित स्मारक के प्रमुख पर प्रदर्शित की जाने वाली सूचना द्वारा यह निदेश दे सकता है कि संरक्षित स्मारक या उसका भाग

- (i) निर्धारित समय के पश्चात् खुला रखा जाएगा ; या
 - (ii) अस्थायी रूप से ऐसी काला-बधि के लिये बन्द रहेगा, जो सूचना में विनिर्दिष्ट की जाए।”;
- (ख) नियम 6 में,
- (i) “बीस नए पैसे” शब्दों के स्थान पर “पचास पैसे” शब्द प्रतिस्थापित किये जाएंगे ;
 - (ii) अन्त में निम्नलिखित परन्तुक अन्तःस्थापित कर दिया जाएगा, अर्थात् :—

“परन्तु यह और भी कि महानिदेशक, आदेश द्वारा, निदेश दे सकेगा कि ऐसे अवसरों पर और ऐसी कालाबधियों के लिये, जो आदेश में विनिर्दिष्ट की जाए, किसी संरक्षित स्मारक या उसके किसी भाग में प्रवेश के लिये कोई फीस प्रभारित नहीं की जायेगी।”

(ग) प्रथम और द्वितीय अनुसूचियों के स्थान पर निम्नलिखित प्रतिस्थापित की जाएंगी, अर्थात् :—

प्रथम अनुसूची
घंटे जिनके दौरान कतिपय स्मारक या उनके भाग खुले रहेंगे
(नियम 5 के अनुसार)

क्रम सं०	राज्य	जिला	परिक्षेत्र	स्मारकों का नाम	स्मारक का भाग जो सूर्योदय से सूर्यास्त तक के घंटों से भिन्न घंटों के दौरान खुला रहेगा	खुलने का समय
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	आन्ध्र प्रदेश	हैदराबाद	हैदराबाद शहर	चारमीनार	(i) दूसरी मंजिल और ऊपर (ii) शेष क्षेत्र	(i) प्रातः 9 बजे से सांय 5.30 बजे तक या सूर्यास्त तक जो भी पहले हो । (ii) सूर्योदय से 10.00 बजे रात्रि तक ।
2.	बिहार	पटना	कुमराहर	मौर्य महल का स्थान	पूर्ण	प्रातः 9 बजे से सांय 5.30 बजे तक या सूर्यास्त तक, जो भी पहले हो ।
3.	बिहार	पटना	नालन्दा (बड़गांव)	अर्जित क्षेत्र के प्रहाते में आने वाले सभी टीले, संरचनाएं और भवन ।	खुदाई किए गए अवशेषों । वाली बाहर दिवारी ।	वही

(1)	(2)	(3)	(4)	(5)	(6)	(7)
4.	दिल्ली	दिल्ली	दिल्ली जेल	अफसर वाला की मस्जिद	उद्यान	सूर्योदय से रात्रि के 10.00 बजे तक
5.	दिल्ली	दिल्ली	दिल्ली जेल	आबदी बाग बू-हलीमा का दरवाजा		वही
6.	दिल्ली	दिल्ली	दिल्ली जेल	अन्तर-मन्तर	पूर्ण	वही
7.	दिल्ली	दिल्ली	दिल्ली जेल	कोटला फिरोजशाह	उद्यान	वही
8.	दिल्ली	दिल्ली	दिल्ली जेल	अफसर वाला का गुम्बद	उद्यान	वही
9.	दिल्ली	दिल्ली	दिल्ली जेल	खानखाना का गुम्बद	उद्यान	वही
10.	दिल्ली	दिल्ली	महरोली-जेल	हौज-खास की इमारतों का वर्ग	उद्यान	वही
11.	दिल्ली	दिल्ली	महरोली-जेल	कुतुब पुरातत्व क्षेत्र	उद्यान	वही
12.	मद्रास	दक्षिणी आरकोट	गिन्जी	दुर्ग, कृष्णगिरि और राजगिरि के स्मारकों सहित	पूर्ण	प्रातः 9.00 बजे से सांय 5.30 बजे तक, या सूर्यास्त तक जो भी पहले हो
13.	महाराष्ट्र	औरंगाबाद	अजन्ता	अजन्ता गुफाएं	पूर्ण	वही
14.	महाराष्ट्र	औरंगाबाद	औरंगाबाद	राबिया दौरानी का गुम्बद, (बीबी का मकबरा)	उद्यान	सूर्योदय से रात्रि के 10.00 बजे तक ।
15.	महाराष्ट्र	बम्बई (उपनगर)	कनहेरी	बौद्ध गुफाएं	पूर्ण	प्रातः 9.00 बजे से सांय 5.30 बजे तक या सूर्यास्त तक, जो भी पहले हो ।

16.	महाराष्ट्र	कोलाहा	बारापुरी	ऐसीफेफ्टा मुफाएं	पूर्ण	वही
17.	महाराष्ट्र	पूना	कारला	मुफाओं के मंदिर और शिला- लेख	पूर्ण हैं	वही
18.	मैसूर	बंगलौर]	बंगलौर	टीपू सुल्तान का महल	उद्यान	सूर्योदय से रात्रि के 10.00 बजे तक
19.	मैसूर	बीजापुर]	बीजापुर]	गोल गुम्बज	उद्यान	वही]
20.	मैसूर]	माण्ड्या	सौरिगापटम	दरिया दौलत बाग	(i) महल (ii) उद्यान	प्रातः 9.00 बजे से सायं 5.30 बजे तक या सूर्यास्त तक, जो भी पहले हो। सूर्योदय से रात्रि के 10.00 बजे तक।
21.	मैसूर	मैसूर	सोयनाथपुर]	केसव मंदिर]	पूर्ण हैं	प्रातः 9.00 बजे से सायं 5.30 बजे तक या सूर्यास्त तक, जो भी पहले हो।
22.	राजस्थान]	अजमेर	अजमेर	संगमरमर का मंडप और अनासागर बंध का जंगला तथा अनासागर बंध के पीछे के संगमरमर के हमाम के अवशेष	पूर्ण	सूर्योदय से रात्रि के 10.00 बजे तक
23.	उत्तर प्रदेश	आगरा	आगरा	ताजमहल	पूर्ण	सूर्योदय से रात्रि के 10.00 बजे तक पूर्णिमा और उससे चार दिन पूर्व और चार दिन पश्चात् तक सूर्योदय से रात्रि के 12.00 बजे तक (अर्ध- रात्रि)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
24.	उत्तर प्रदेश	लखनऊ	लखनऊ	निवासीय भवन	(i) माडल रूम (ii) उद्यान	(i) प्रातः 9.00 बजे से सांय तक या सूर्यास्त तक जो भी पहले हो । (ii) सूर्योदय से रात्रि के 10.00 बजे तक

द्वितीय अनुसूची

स्मारक अथवा उनके भाग जिनमें शुल्क देने के उपरान्त ही प्रवेश पाया जा सकता है ।

(नियम 6 के अनुसार)

क्रमांक	राज्य	जिला	परिक्षेत्र	स्मारक का नाम	स्मारक का भाग जिसके लिये शुल्क का संदाय अपेक्षित है
(1)	(2)	(3)	(4)	(5)	(6)
1	मान्ध्र प्रदेश	हैदराबाद	हैदराबाद शहर	चार मीनार	दूसरी मंजिल और ऊपर की और ।
2	बिहार	पटना	कुमराहर	मौयें महल का स्थान	पूर्ण ।
3	बिहार	पटना	नालन्दा (बड़गांव)	अर्जित क्षेत्र के अहाते में आने वाले सभी टीले, संरचानाएं और भवन	खुदाई किये गए अवशेषों वाली चाहर दिवारी का क्षेत्र ।
4	दिल्ली	दिल्ली	दिल्ली जेल (शाहजहाँनबाद)	दिल्ली दुर्ग	पुरातत्व क्षेत्र
5	दिल्ली	दिल्ली	दिल्ली जेल	हुमायूँ का मकबरा, उसका गुम्बद, उद्यान, चाहर दिवारी और दरवाजा	पूर्ण ।
6	दिल्ली	दिल्ली	दिल्ली जेल	सफदरजंग का गुम्बद, उसकी पूर्ण चाहर दिवारी, दरवाजा, उद्यान और उद्यान के पूर्वी ओर का मकबरा	पूर्ण ।
7	दिल्ली	दिल्ली	महरोली जेल	कुतुब पुरातत्व क्षेत्र	कुतुबुद्दीन की मीनार ।
8	मध्य प्रदेश	छत्तरपुर	खजुराहो	मंदिरों का पश्चिमी गुप	मातंगेश्वर मंदिर के अतिरिक्त पूर्ण ।

9	मध्य प्रदेश	रायसैन	सांची	बौद्ध स्मारक	पूर्ण ।
10	महाराष्ट्र	दक्षिणी आरकोट	गिन्जी	दुर्ग, कृष्णगिरी और राजगिरी के स्मारकों सहित ।	पूर्ण ।
11	महाराष्ट्र	औरंगाबाद	अजन्ता	अजन्ता की गुफाएं	पूर्ण ।
12	महाराष्ट्र	औरंगाबाद	औरंगाबाद	रबिया दौसानी का गुम्बद (बीबी का मकबरा)	चाहर दीवारी के भीतर के स्मारक और उद्यान तथा दरवाजा ।
13	महाराष्ट्र	औरंगाबाद	एलौरा	एलौरा की गुफाएं	गुफा संख्या 16 (कैलाश)
14	महाराष्ट्र	बम्बई (उपनगर)	कनहेरी	बौद्ध गुफाएं	पूर्ण ।
15	महाराष्ट्र	कोलाबा	धारापुरी	एलीफेन्टा गुफाएं	गुफा सं० 1 से 5 तथा सामने की चाहर दिवारी का क्षेत्र ।
16	महाराष्ट्र	पूना	कारला	गुफाओं के मंदिर और शिलालेख	पूर्ण ।
17	मैसूर	बीजापुर	बीजापुर	गोल गुम्बद	मासोलियम ।
18	मैसूर	माण्ड्या	सैरिगायटम	दरिया दौलत बाग	महल ।
19	मैसूर	मैसूर	सोमनाथ पुर	केशव मंदिर	पूर्ण ।
20	राजस्थान	चित्तोड़गढ़	चित्तौड़	चित्तोड़ का किला	विजयस्तंभ
21	उत्तर प्रदेश	आगरा	आगरा	आगरे का किला	पुरातत्त्व क्षेत्र ।
22	उत्तर प्रदेश	आगरा	आगरा	इतीम्मद्दुल्ला का मकबरा	पूर्ण ।

23	उत्तर प्रदेश	आगरा	आगरा	ताज स्मारक-ग्रुप	ताज और उसके उद्यान तथा मैदान, जिसमें पूर्व की ओर के जवाब भी शामिल हैं मैदानों और मीनारों (मस्जिद की दो मिनारों के अतिरिक्त) के पूर्वी और पश्चिमी ओर के मंडप तथा बहुत दक्षिण प्रवेश दरवाजा तथा इसके दोनों ओर के बरान्दे, ताज के भीतर का पुराना मुस्लिम, कृत्रिम जल मार्ग और केन्द्रीय संगमरमर का तालाब, ताज उद्यान का कुआँ तथा ताज उद्यान की पश्चिमी दीवार का पीने का पानी का फव्वारा ।
24	उत्तर प्रदेश	आगरा	फतेहपुर सीकरी	फतेहपुर सीकरी स्मारक-ग्रुप	दक्षिण में जोधाबाई महल के दक्षिण के आंगन की दीवार का सारा क्षेत्र और उसके आगे पूर्व की ओर दीवान-ए-आम की ऋतुः शाला के दक्षिणी प्रवेश द्वार को जाने वाली सड़क, पूर्व में दीवाने-ए-आम की ऋतु शाला के उत्तर में दीवान-ए-खास की चाहर दिवारी, आंख-मिचौली, हस्पताल, जनाना उद्यान और बीर-बल की पुत्री का महल, तथा पश्चिम में घोड़ों के अस्तबल वाली दीवार का सारा क्षेत्र ।
25	उत्तर प्रदेश	आगरा	सिकन्दरा	अकबर का मकबरा	पूर्ण ।
26	उत्तर प्रदेश	लखनऊ	लखनऊ	निवासीय भवन	प्रतिमा कक्ष ।

[सं० 28/1/68 सी० ए० I(i).]
पी० सोमासेखरन, उप सचिव ।

